

A O T S

PASSED AT THE

FOURTH ANNUAL SESSION

OF

*Defective
Mary R. Miller
1958*

THE GENERAL ASSEMBLY

OF THE

State of Alabama,

BEGUN AND HELD AT THE TOWN OF

CAHAWBA,

**On the third Monday of November, one
thousand eight hundred and twenty two.**

ISRAEL PICKENS....GOVERNOR,

NICHOLAS DAVIS,

PRESIDENT OF THE SENATE....AND

ARTHUR P. BAGBY,

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

CAHAWBA,

PRINTED AND FOR SALE BY WM. B. ALLEN AND CO.

PRINTERS TO THE STATE.

JAN. 1823.

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ACTS OF THE FOURTH SESSION.

AN ACT

To continue in force, and amend an Act, entitled An Act to repeal in part, and amend an Act entitled an Act to regulate the proceedings in the Courts of Law and Equity in this state, and for other purposes therein mentioned.

1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the act passed at the called session of the General Assembly of this state, in June, eighteen hundred and twenty-one, entitled an act to repeal in part, and amend an act to regulate the proceedings in the Courts of Law and Equity in this state, as is now in force, be, and the same is hereby declared to be of force, after the fourth day of January next.

Acts of
1821 conti-
nued in
force.

Sec. 2. *And be it further enacted,* That the act passed at the third annual session of the General Assembly of this state, entitled an act to repeal in part, and amend an act, entitled an act to regulate the proceedings of the Courts of Law and Equity in this state, be, and the same is hereby continued in full force.

Sec. 3. *And be it further enacted,* That the first, second, third, fourth and fifth sections of the act passed at the third annual session of the General Assembly of this state, entitled an act to repeal in part, and amend an act entitled an act to constitute a court of Oyer and Terminer, for the trial of slaves, and for other purposes, be, and the same is hereby continued in force.

Sec. 4. *And be it further enacted,* That the Judges of the County Courts, shall, in addition to the jurisdiction heretofore given to them, have concurrent jurisdiction with the Circuit courts, in all actions of case, covenant, and trespass, assault and battery.

Jurisdic-
tion in-
creased.

Sec. 5. *And be it further enacted,* That appeals shall lie from Justices of the Peace to the respective Circuit or County courts, under the same regulations as heretofore prescribed by law, for taking appeals to the Circuit courts.

Appeals
from Jus-
tices of the
Peace, to
lie to Cir-
cuit or
County
Courts.

Sec. 6. *And be it further enacted,* That in all appeals taken by virtue of this act, from a Justice of the Peace, when it shall be made to appear to the court, that the appeal was taken merely for delay, the court shall award fifteen per cent. damages.

Appeals
taken for
delay only,
Court to a-
ward 15
per cent.
damages.

Writs of
Certiorari
& Superse-
deas may
be granted

Sec. 7. *And be it further enacted*, That the Judges of the County courts, within their respective counties, shall have full power concurrent with the power of the Judges of the Circuit Courts, to grant writs of *Certiorari* and *Supersedeas*, returnable to the County Courts, under the same regulations now in force, relative to granting the aforesaid writs by Judges of the Circuit Courts: *Provided*, that nothing herein contained, shall be so construed, as to take away from the Circuit Courts, jurisdiction of the aforesaid writs, granted by the Judges of the Circuit Courts, respectively.

Proviso.

Plaintiff's
appealing,
to pay
costs in
certain
cases.

Sec. 8. *And be it further enacted*, That in all cases of appeals from Justices of the Peace, where the plaintiff or person appealing, shall not recover judgment for a greater sum than was by the Justice trying the same, adjudged, then and in that case, the plaintiff or person appealing, shall pay all costs, consequent on such appeal: *Provided*, however, that this section is intended only to apply to appeals taken up by the successful party.

Proviso.

Judges of
new coun-
ties to have
jurisdic-
tion as
other
Judges.

Sec. 9. *And be it further enacted*, That the Judges of the County Courts of such Counties as have been created since the 14th day of June, 1821, shall have the same jurisdiction with the Judges of such Courts as were then in existence.

Commis-
sioners of
Roads and
Revenue
to continue
in office—
not eligi-
ble as Tax
Collector

Sec. 10. *And be it further enacted*, That the Commissioners of Revenue and Roads, elected at the last General Election shall continue in office until the next General Election; and that no Commissioner of Revenue and Roads shall be eligible to the appointment of assessor or Tax Collector, or shall discharge the duties thereof either as principal or agent in any manner whatever during his continuance in office.

Circuit
Courts to
have juris-
diction in
prosecu-
tion of
slaves.

Sec. 11. *And be it further enacted*, That in all prosecutions of slaves and free people of colour for offences punishable capitally, the Circuit Courts, and not the County Courts shall have jurisdiction; and that the trial shall be conducted in the same manner and under the same rules except as to evidence, as the trial of free white citizens.

Legisla-
ture to
elect
Judges.

Sec. 12. *And be it further enacted*, That the present Legislature shall, by joint vote of the two houses, elect County Judges for the respective counties in the state, who shall be commissioned by the Governor, and whose duties and authority shall commence from and after the 4th day of January next.

Causes
may be re-
moved to
Circuit
Court.

Sec. 13. *And be it further enacted*, That if any persons shall be appointed Judge of any of the County Courts in this state, who was employed as counsel in any case depending in said Court the said cause shall be removed to the Circuit Court of said County.

Sec. 14. *And be it further enacted*, That the County Courts of the following Counties shall set at the following times. For the county of Conecuh, on the third Mondays of January and June: For the county of Henry, on the first Mondays in March and September: For the county of Pike, on the first Mondays in January and July: For the county of Covington, on the first Mondays in August and February. In the county of Butler, on the second Mondays of February and August. And in the county of Decatur, on the first Mondays in March and September.

Certain
County
Courts
when hold-
den.

Sec. 15. *And be it further enacted*. That so much of the aforesaid act as makes it the duty of the Judges of the County Courts in this state to commit administration to the Sheriff or Coroner in certain cases therein designated, shall be taken and strictly construed so as to attach the said administration to the offices of Sheriff or Coroner and not to the person.

Admin-
istration
committ'd
to the of-
fice of Sh'ff
and not the
person.

Sec. 16. *And be it further enacted*, That this act shall take effect, from and after the fourth day of January next.

[Approved, Dec. 24, 1822.]

AN ACT

Providing for the election of Sheriff in certain cases, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That when the officer whose duty it is to hold an election for Sheriff, in any county in this state shall fail to do the same at the time prescribed by law, it shall be the duty of the Governor, or the person exercising the duties of his office, to issue his writ of election, directed to any person residing in the county, whom he may appoint, directing the person to hold an election for the purpose of electing a sheriff for the county, at the place or places prescribed by law for holding elections for representatives for the county, at any time he may appoint; requiring at least thirty days notice to be given, by advertisement posted up at four of the most public places in the county, of the time of holding said election.

Governor
to issue
writ of e-
lection for
Sheriff in
certain ca-
ses.

Sec. 2. *And be it further enacted*, That at the election hereby authorized to be held, the polls shall be opened and kept open, agreeably to the law now regulating elections in the county, in which it shall be held.

Polls to
be kept o-
pen agree-
ably to law

Sec. 3. *And be it further enacted*, That the clerks and judges, who shall superintend the election hereby authorized, shall be appointed by the person to whom the commission shall be directed, who shall be authorized to administer the oaths to said clerks and judges, as are required to be administered to clerks and judges at the general elections.

Clerks &
Judges to
be appoint-
ed & qual-
ified.

Sec. 4. *And be it further enacted*, That the person who

Persons
return'd to
be commis-
sioned.

shall be returned duly elected by the person to whom the writ of election is directed, shall be commissioned by the Governor, or the person exercising the duties of his office, sheriff.

[Approved, Dec. 23, 1822.]

AN ACT

Concerning the Judges of the County Court.

Judge to
give notice
of the time
of settle-
ment to
guardians.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That hereafter it shall be the duty of the Judges of the County Court, in their respective counties, to give the notice now required by law to be given by executors, administrators, or guardians, of the term of the said court at which any executor, administrator, or guardian may be required by said Judge to present for allowance his settlement, or account current, made as prescribed by law, in vacation.

Judge to
render
judgment
in favor of
printer.

Sec. 2. *And be it further enacted,* That the said Judge, he, and he is hereby, authorized to render judgment against any executor, administrator, or guardian, for whom he is required by this act to give notice, in favor of the printer for any sum which said Judge may think reasonable for publication.

[Approved, Dec. 12, 1822.]

AN ACT

The better to secure Debts upon Writs of Error.

Clerk
not taking
sufficient
security
liable to ac-
tion.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That if any clerk of the circuit court upon issuing any writ of error, shall take security, which shall be insufficient at the time of taking the same, he shall be liable to an action of trespass on the case, in favor of the party aggrieved: *Provided,* that nothing in this act contained, shall be so construed as to subject any clerk of the court aforesaid to a recovery in the action aforesaid, for taking as security for any writ of error, any person who was generally reputed sufficient for the sum for which he became bound as security at the time he was taken as security.

[Approved, Dec. 12, 1822.]

AN ACT

Concerning Intestate's Estates.

Estate
previously
received,
may be
not later
hotchpotch

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any of the children of a person dying intestate, shall have received from such intestate in his or her lifetime any real or personal estate by way of advancement, and shall choose to come into the partition of the estate with the other parceners, such advancement, both of real and personal estate, or the value thereof, shall be brought

into hotchpotch with the whole estate real and personal descended; and such party bringing into hotchpotch such advancement as aforesaid, shall thereupon be entitled to his, her, or their portion of the whole estate so descended, both real and personal.

Sec. 2. *And be it further enacted*, That this act shall take effect, from and after the first day of January next; and that all laws and parts of law, contravening the provision of this act, be, and the same are hereby, repealed. Commence-
ment.

[Approved, Dec. 14, 1822.]

AN ACT

To prevent frivolous and vexatious Law suits.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all suits, which may be hereafter brought in this state, to recover damages for slander or trespass, assault and battery, the plaintiff shall not recover more costs than damages, if the damages do not exceed five dollars; unless the judge before whom the suit was tried shall certify that more damages ought to have been awarded by the jury.

Sec. 2. *And be it further enacted*, That this act shall commence and be in force from and after the first day of January next.

[Approved, Dec. 23, 1822.]

AN ACT

To prescribe the mode of certifying Executions from Justices of the Peace from one County to another.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That from and after the passage of this act, where any judgment is rendered by a justice of the peace, and the person against whom such judgment may be rendered, removes to another county in this state, it shall and may be lawful for such justice to issue execution to any county in this state against the property of the person against whom judgement is rendered; which execution shall be certified by the clerk of the county court: And it shall be the duty of any legal officer of the county to which such execution may issue, to execute and make return of such execution according to the mandate thereof, to the justice of the county from which execution issued.

Clerk of
county
court to
certify ex-
ecution.

[Approved, Dec. 28, 1822.]

AN ACT

To enforce the payment of Monies collected by Officers of Courts.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That whenever a motion shall be made against any officer of any of the courts of this state for not paying over any money received by him in his official capacity,

Officer
how pro-
ceeded a-
gainst in
certain
cases.

and the receipt of the same shall not appear by the record or any paper filed in the clerk's office, it shall be the duty of the court to cause an issue to be made up and tried by the jury attending the court; and in case it shall be found by the jury that the same has been received by the officer, against whom the motion shall be made, judgment shall be rendered by the court against the said officer, for the principal, interest, and such damages as are now in such cases directed by law.

Clerk
not enter-
ing return
on execu-
tion docket
—penalty.

Sec. 2. *And be it further enacted*, That in case any clerk of any of the courts of this state shall fail to enter on the execution docket any return of any execution, which shall be made by the proper officer of the court, within three days after the said return shall be made, it shall be the duty of the court on motion of the plaintiff or plaintiffs in execution, or his or her attorney, to render judgment against the said clerk and his securities, or either or any of them for the amount of the execution, together with interest and costs: Provided, that those against whom the judgment shall be rendered, shall have had one day's notice of the motion, and that any fact which shall be contested by the said clerk and securities, or any or either of them shall be tried by a jury.

Proviso.

Execu-
tion docket
to be kept
on clerk's
table in
term time.

Sec. 3. *And be it further enacted*, That it shall be the duty of the clerks of the several courts in this state to keep in the court house on the clerk's table, the execution docket during the whole term of the session of the court; and that if any clerk shall fail so to do, he shall be guilty of a contempt of court, and be punished accordingly; and shall also be liable to any person aggrieved in an action of trespass on the case.

[Approved, Dec. 28, 1822.]

AN ACT

Giving Execution for costs in the Supreme Court.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in causes wherein the judgments have been affirmed or reversed by the Supreme Court, and in which the costs incurred in that court have not been collected, the clerk of the said supreme court may issue the proper writs of execution in the names of the successful parties, against the parties respectively subjected to the payment of such costs, returnable to the succeeding term thereof.

Clerk
may issue
writs of
execution
for costs.

Court
may give
judgment
and award
execution
for costs.

Sec. 2. *Be it further enacted*, That when the judgment of an inferior court in any cause shall be affirmed or reversed by the supreme court, the said supreme court may give judgment, and award execution against the unsuccessful party for the costs of such cause incurred by the said

supreme court: And it shall be the duty of the sheriff or other officer, to whom such writ of execution shall be directed, to levy or execute, and make return thereof to the said supreme court, on or before the first day of the return term therein named, and render to the said clerk the monies collected by him, according to the exigency of such writ.

Sheriff
to levy and
make re-
turn.

Sec. 3. *And be it further enacted*, That if such sheriff or officer fail so to return such writ of execution, or to pay the monies by him made as aforesaid, the clerk of the said supreme court may in the name of the successful party in the cause, upon giving to such sheriff or officer, or to such sheriff and his securities ten days previous notice; and upon proof of such notice, move for at the next term of the circuit court of the county in which such sheriff or officer resides, and obtain judgment and execution against such sheriff or officer, or such sheriff and his securities so notified, for the amount of the writ of execution not returned as aforesaid, or the deficit of the monies made and not rendered.

Sheriff
not return-
ing execu-
tion may
be moved
against &
judgment
issue.

Sec. 4. *And be it further enacted*, That if any sheriff or coroner in this state shall fail or refuse to return any execution issuing from the Supreme Court as aforesaid, and placed in his hands, to the return term of said court named in said execution, it shall be lawful for the party at whose instance said execution issued from the Supreme Court to obtain judgment against said sheriff or coroner for the amount of money named in said execution, and costs of the motion: Provided always, That the certificate of the post master living at the seat of justice of the county of which he is sheriff or coroner, or the nearest one thereto, that said sheriff or coroner, has placed in his office, sealed up in his presence, and directed to the clerk of the Supreme Court, any execution, and the amount of money collected thereon which has been placed in his hands, shall be sufficient evidence on the part of said sheriff or coroner, to prevent judgment from being obtained against him and his securities as aforesaid.

[Approved, Dec. 26, 1822.]

AN ACT

To regulate proceedings in Chancery Suits.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the mode of commencing suits in equity or chancery shall be by filing a bill with the clerk of the Circuit Court of the county in which the suit is instituted, wherein the Clerk shall issue a subpoena *ad respondendum*, with a copy of the bill, which shall be served by the Sheriff of the county

Mode of
commenc-
ing suits in
equity

where the defendant resides, or may be found, and returned to the first day of the next term

Time allowed for filing answer, or demurrer.

Sec. 2. *And be it further enacted*, That the defendant shall file his answer or demurrer within thirty days after the service of the subpoena, unless within that period he shall obtain further time from the clerk of the said court, or from a circuit judge, on reasonable cause shown, which further time shall not extend beyond the first day of the next term, otherwise the bill shall be taken *pro confesso* and the complainant if he deems it necessary, may take an attachment to compel an answer.

No plea or special demurrer shall be filed.

Sec. 3. *And be it further enacted*, That no plea or special demurrer, shall be filed to any bill or answer, but it shall be lawful for the defendant to embrace all the matter of his plea and demurrer, either general or special, in his answer, and shall have the same benefit thereof as if the same had been pleaded: *Provided*, that the defendant may demur generally to the bill, which if overruled he shall pay costs thereon, file a sufficient answer and go to trial forthwith if the complainant requires it, otherwise the bill shall be taken *pro confesso* and an attachment may issue to compel an answer.

Exceptions, when filed.

Sec. 4. *And be it further enacted*, That at the time of filing his answer, the defendant shall also file his exceptions, if he chooses to except to the bill, for scandalous or impertinent matter; and the complainant also, on or before the first day of the term next after the filing of the answer, shall file his exceptions thereto, if he chooses to except for scandal, impertinence or insufficiency:—All exceptions shall be heard and determined by the presiding judge, in open court, the first term after they are filed, and if filed on the first day of the term, they shall be heard and determined during that term:—If any of the exceptions are sustained, the party filing them shall be entitled to his cost thereon, and a continuance of the suit to the next term if he prays it, if all the exceptions are overruled the opposite party shall be entitled to his cost thereon, and a continuance if he prays it: *Provided*, that where exceptions filed, to the insufficiency of an answer are sustained, the defendant shall forthwith file a sufficient answer and come to trial immediately, if the complainant prays it, unless the court for good cause grant further time, otherwise the bill shall be taken *pro confesso* as to the insufficient matter, and an attachment may issue to compel a sufficient answer: *And provided also*, that at any time before the hearing of the cause, the court may grant either party leave to amend his bill or answer, whether exceptions are taken or not.

— to be heard and determined at the first term.

Proviso

Sec. 5. *And be it further enacted*, That it shall not be re-

quired to file a replication to an answer, and that in all cases where the answer is filed ten days before the sitting of the court, or the bill is taken *pro confesso*, for want of an answer, the cause shall be heard and determined at that term if practicable, unless on good cause shown, either party continue the same.

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Replication not required.

Sec. 6. *And be it further enacted*, That before a decree is pronounced on a bill taken *pro confesso*, the Court shall be satisfied, by sufficient evidence of the justice of the complainant's claim or demand; but in all cases, before the hearing of the cause, the defendant shall have leave to set aside the order *pro confesso*, by filing a full and complete answer, and that where an attachment may issue for want of an answer, or sufficient answer, or for not obeying the order, or performing the decree of the court, or for disobedience to its process, the defendant shall be discharged therefrom, by a compliance at or before the next term.

Order, pro confesso, may be set aside.

Sec. 7. *And be it further enacted*, That the presiding judge shall render his decree in writing, on or before the adjournment of the court, unless in weighty and difficult cases, in which he may be indulged to the ensuing term.

Judge to render decree.

Sec. 8. *And be it further enacted*. That all answers and bills for injunctions, and for writs of *ne exeat*, shall be sworn to before any clerk of a circuit court, judge or justice of the peace.

Answers &c. before whom sworn.

Sec. 9. *And be it further enacted*. That the complainant shall cause a copy of his bill for an injunction to be served on the defendant, with notice of at least ten days, of the time and place when and where he intends to apply for an injunction: And that it shall be lawful to grant writs of *ne exeat*, not only in cases where a sum of money is due, but also where the complainant has an equitable claim or demand against the defendant: *Provided*, that all writs of injunction and *ne exeat* may be dissolved at the next term after they were granted, on good cause shown.

Defendant to have notice of intention to apply for injunction.

Sec. 10. *And be it further enacted*, That when it is necessary to the justice of the case, to have a reference of matters of account, the court in its decree shall order the same to be referred to the clerk, to ascertain and report thereon, at or before the next term; and from which either party may appeal to the court, having given the opposite party ten days notice thereof, with the grounds of appeal distinctly set forth, and if the party appealing does not prevail, he shall pay cost thereon; but if a decree cannot be given on the merits of the case, until matters of account between the parties are referred, then the same shall be referred and ascertained before the hearing, under such rules as the court may prescribe. In ascertaining and adjusting

Court may refer matters of account to the clerk.

Parties may appeal.

accounts, sums and items, not exceeding ten dollars each, shall be allowed on the party's oath, unless disproved by sufficient testimony; and that sums and items above ten dollars each, shall be proved by sufficient vouchers or evidence.

[Approved, Jan. 1, 1823.]

AN ACT

To authorize Fathers to devise the Custody and Tuition of their Infant Children.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That any father, even if he be not twenty-one years of age, Fathers, may by last will and testament executed in the presence of two credible witnesses, devise the custody and tuition of his child, (which had never been married,) although it be not born, during any part of the infancy of such child, to whomsoever he will; and such devise hereafter to be made, shall give the devisee the same power over the person of the child as a guardian in common soccage hath, and authorize him by actions of ravishment of ward, or trespass, to recover the child with damages for the wrongful taking or detaining of him or her, for his or her use; and for the same use to undertake the care and management, and receive the profits of the wards' estate, real and personal, and prosecute and maintain any such actions and suits concerning the same, as a guardian in common soccage may do.

Guardians must declare acceptance in open court.

To give bond.

Shall deliver inventory. Proviso,

*Sec. 2. And be it further enacted, That any guardian so appointed by the last will and testament of any person shall appear openly in the County Court, in which last wills and testaments are required by the existing law to be proved and recorded, before the exercise of any authority over the minor or his estate, and declare his acceptance of the guardianship, which shall be recorded; and shall give such bond and security, and in like manner, as is now required by law from guardians appointed by the County Courts; and shall deliver an inventory, on oath, of all the estate real and personal, which he shall have received or taken possession of, within the same time after his acceptance of such office, and to the office of the same court to which other guardians are required by law to deliver inventories of the estates of their wards: *Provided*, that no child, the custody and tuition of which shall be devised as aforesaid, shall be taken from the mother of such child, before it attains the age of fifteen years; unless in the opinion of the court to which such guardian may be accountable, it would be improper for the mother to retain the possession of any such child.*

Sec. 3. And be it further enacted. That the said guardians appointed as aforesaid, shall account as often, and, under the same regulations, that other guardians are by law

directed to account, and shall for failure to deliver an inventory as aforesaid, or to account agreeably to law, be liable to be proceeded against, and to removal from office as other guardians.

To account as other guardians.

Sec. 4. *And be it further enacted*, That if any guardian shall fail or neglect to appear in the County Court where such last will and testament shall be proved and recorded, within the space of six months thereafter, he may be summoned and compelled to declare his acceptance or renunciation of such trust; and if every such guardian appointed by any such last will and testament, shall renounce the same, which renunciation shall be recorded; the said court may and shall proceed to appoint and qualify some other person or persons to the guardianship as if no such appointment of a guardian, or guardians had ever been made.

May be compelled to declare or renounce guardianship.

Sec. 5. *And be it further enacted*, That this act shall take effect from and after the first day of January next.

Commencement.

[Approved, Dec. 28, 1822.]

AN ACT

Concerning Inquiry of Damages.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That whenever the demurrer to the declaration in an action of covenant, trespass, or trespass on the case, shall be overruled, and an inquiry of damages directed by the court, it shall be lawful for the inquiry thereof to be had at the same term at which such demurrer shall be overruled, any law to the contrary notwithstanding: *Provided*, that nothing herein contained, shall be so construed as to authorize the said inquiry of damages, to be made at the term to which the writ in said actions may be made returnable.

Demurrer overruled—inquiry may be had at same term.

Proviso.

Sec. 2. *And be it further enacted*, That in all actions of covenant, case, trespass, and assumpsit, when the declaration is filed in due time, and the defendant has failed to plead, a judgment by default may be taken either in vacation, or at the next succeeding term, and a writ of inquiry executed at said term.

[Approved, Dec. 19, 1822.]

AN ACT

To authorize a change of Venue in Chancery Causes in certain Cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be lawful from and after the passage of this act for any plaintiff or defendant in any suit in Chancery, in any of the Circuit Courts in this state, to change the venue of such suit in Chancery, where it shall appear to the court, that the Judge of the circuit in which such suit in Chancery is pending, has at any time previous to his appointment

Judge having been employed as counsel, Change of venue may

as Judge of said circuit, been employed in the suit so pending by either plaintiff or defendant, as counsel in the said suit; or where it shall appear to the court, that the Judge of the circuit is connected to the parties, interested in such suit by affinity or consanguinity.

Sec. 2. *And be it further enacted*, That when a change of venue under the provisions of this act shall be allowed for the reasons above set forth, the Judge of the circuit, where such suit is pending, shall on application, change the venue thereof to an adjoining circuit free from the like exceptions; and the clerk of the Circuit Court where such suit was instituted shall transmit, without delay, to the clerk of the Circuit Court to which such suit may be changed, a full transcript of all orders, motions and records entered on his books in relation to the suit so pending, with all the original papers and proceedings in the case, and all bonds and recognizances, and all other matters in relation to the cause in controversy, shall be as valid to all intents and purposes as they would have been had such change of venue not have been made; and the suit so changed shall be placed in the same situation in the court to which it shall be changed, as if the same had been instituted in said court.

Clerk to
make
transcript.

Sec. 3. *And be it further enacted*, That the decrees, orders, and other proceedings in the case shall be as binding on the parties concerned in such suit, as if the same had been determined in the court where the suit originated; in every respect whatever.

[Approved, Dec. 31, 1822.]

AN ACT

To repeal in part the Statute of limitations in Criminal cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of the statute of limitations as prevents prosecutions for polygamy, perjury, and subornation of perjury, unless commenced within a year after the time of the alleged offence, be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted*, That the prosecutions for the aforesaid offences, shall be commenced within five years, and not thereafter, after the commission of the alleged offence.

[Approved, Dec. 24, 1822.]

AN ACT

To authorize the Judges of the County Courts and Commissioners of Roads and Revenue within this State, to make an allowance therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judges of the County Courts and Commissioners of Roads and Revenue are hereby authorized, to make an allowance to the clerks of the County and Circuit Courts, for books and stationary purchased by said clerks for the use of their offices respectively.

To allow
for Books,
&c.

[Approved, Dec. 20, 1822.]

AN ACT

Concerning the printing, binding and the disposal of the Digest of the statute laws of the state of Alabama.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an appropriation of fifteen hundred dollars be, and the same is hereby, made for Harry Toulmin, for having compiled a correct Digest of the Statute Laws of this state, in conformity to an act of the General Assembly, passed twenty-eighth day of Nov. eighteen hundred and twenty one: And the Comptroller of this state is hereby authorized and required, to issue his warrant on the Treasury, for the same, which shall be paid out of any monies in the Treasury not otherwise appropriated: *Provided,* that nothing in this act shall be so construed as to prevent the next Legislature from making any additional compensation that they may deem just and proper.

Digesters
compensa-
tion.

Sec. 2. *And be it further enacted,* That the said Harry Toulmin be, and he is hereby, appointed and required, to make a complete Index to the said Digest, and that he receive therefor, such compensation as may be allowed him by the next General Assembly of this state; and in case of his death or inability to complete the same, the Governor of this state in that event, is hereby directed and required, to appoint some suitable person to undertake and complete the same.

Proviso.
Legisla-
ture may
make ad-
ditional al-
lowance.

Digester
to make
index.

Sec. 3. *And be it further enacted,* That the Governor of this state is hereby required to receive proposals until the first day of March next, and at that time to appoint some suitable person or persons to print the said Digest upon the most advantageous terms he can obtain; to contract for stationary, and all such articles as may be necessary for printing and binding the said work; and to contract with some suitable person to bind the same, which binding shall be executed in a plain, strong and neat manner; and for all such contracts the Comptroller of public accounts upon application to him by the Governor, is authorized and required to issue a warrant on the Treasury, which shall be paid out of any monies in the Treasury not otherwise appropriated: *Provided,* that the Governor shall in no case make any advance of money on account of any of the above contracts, without first obtaining the bonds of the parties, payable to the Governor of the state, and his successors in office, with good and sufficient security, conditioned that the person or persons receiving the same in advance, shall well, truly and faithfully execute and perform the contract which he or they may have undertaken. And the Governor is hereby required to enter into no contract or contracts as aforesaid, without first taking bonds, with security, that the

Govern-
or to re-
ceive pro-
posals and
contract
for print-
ing digest.

Proviso.
To take
bond.

Missing Page

posited in the Secretary of State's Office, conditioned for the faithful discharge of the duties that may be required of them, and to account to the state for all monies which they may receive from the sale of said books, and pay the same into the Treasury of this state.

Sec. 6. *And be it further enacted*, That the said Harry Toulmin shall digest all the acts of this present session of the Legislature, and shall include the same in the said Digest, which shall be executed in the same manner as he has digested all the previous acts of the Legislature. The compensation for which is included in the appropriation made for him by the first section of this act.

Sec. 7. *And be it further enacted*, That An Act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such state into the Union on an equal footing with the original states; the Constitution of the United States; and the Declaration of American Independence, be also printed and embodied in said Digest.

[Approved, Jan. 1, 1823.]

AN ACT

To compel Clerks of Circuit and County Courts to give bond and security within the time therein prescribed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all Clerks of the Circuit and County Courts hereafter elected, shall enter into bond and security for the faithful performance of their several duties as are by law now prescribed, before the person now authorized to take and approve the same, on or before the first day of the term next, succeeding their elections, otherwise the said office shall be considered vacant, and the said vacancy shall be filled as heretofore prescribed in other cases of vacancy in the said office.

Clerks to enter into bond.

Vacancies on failure how filled.

Sec. 2. *And be it further enacted*, That all acts or parts of acts repugnant to this act, be, and the same are hereby, repealed.

Repeal.

Sec. 3. *And be it further enacted*, That if at any time it shall be made known to the Judge of the Circuit or County Court, that any person who has been or may be appointed or elected Clerk of said County or Circuit Court, has failed to give bond with sufficient security for the faithful performance of his duty; it shall be the duty of said Judge of the said County or Circuit Court, as the case may be, to require said Clerk to give such security within one month, or that said office shall be then vacated, and it shall be the duty of such Judge to fill such vacancy, as in other cases.

Judges of the Circuit and County Courts to fill vacancies.

Sec. 4. *And be it further enacted*, That all sheriffs now

Sheriffs
to give
bond.

elected, or hereafter to be elected or appointed, under the constitution of this state, shall, before entering upon the duties of their office, give bond, with such number of good and sufficient securities as may be approved of by the County Courts respectively, in such sum or sums, in addition to the sums already required by law, as they may deem necessary and proper, made payable to the Governor for the time being and his successors in office, which bond shall be taken by said Court and deposited in the clerk's office: *Provided also*, that it shall be the duty of the sheriff to renew his bond annually, if required by the County Court.

Revised.

Vacancies on failure how filled.

Sec. 5. *And be it further enacted*, That any sheriff failing or neglecting to comply with the provisions of the preceding section, shall vacate his office, and said office is hereby declared vacated; and such vacancies, should any such occur, shall be filled in such manner as is now prescribed by the constitution for supplying vacancies for sheriffs.

Repeal.

Sec. 6. *And be it further enacted*, That the fourteenth and fifteenth sections of an act to provide for the appointment of county officers, and for other purposes, passed at Huntsville, and approved the seventeenth day of December, eighteen hundred and nineteen, be, and the same is hereby repealed.

Office of Clerks declared vacated in certain cases.

Sec. 7. *And be it further enacted*, That any Clerk of the Circuit Court, or Clerk of the County Court, who has been elected or appointed, or who may hereafter be elected or appointed, shall, whenever required by the Judge of the County Court, or Judge of the Circuit Court, give such additional security as may be required by said Judge of the County Court, or Judge of the Circuit Court, respectively, within one month after notice of such requisition; and in case any Clerk shall fail to comply with the provisions herein contained, the office of said Clerk is declared vacated thereby, and the vacancy shall be filled as in other cases provided by law. [Approved, Dec. 24, 1822.]

AN ACT

Concerning Writs of Error, *Coram Vobis*.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That no Writs of Error, *Coram vobis*, shall be granted unless the defendant shall pay the amount of principal and interest actually due before obtaining the same; unless otherwise ordered by the Judge granting the said writ: *Provided*, that no security shall be required of the defendant under this act.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby, repealed. [Approved, Dec. 30, 1822.]

AN ACT

To provide for the Election of Justices of the Peace and Constables.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be elected by the qualified electors within the limits of each captain's company in the several counties in this state, two Justices of the Peace and one Constable, who shall hold their offices for and during the term of three years from the dates of their respective commissions; which elections shall be holden by the commanding officer of each company, and two freeholders, or householders as he may appoint, on the first Monday of March next. And it shall be the duty of the persons superintending the elections as aforesaid, to make return of the persons elected, to the clerk of the County Court who shall certify the same to the Governor for commissions.

Justices
& Constables to be
elected.
Term of
office.

Sec. 2. *And be it further enacted,* That it shall be the duty of each commanding officer at the expiration of each and every term of three years from the first day of March next, to hold an election for two Justices of the Peace and one Constable, as prescribed in the first section of this act.

Elections
to be held
once in 3
years.

Sec. 3. *And be it further enacted,* That it shall be the duty of each commanding officer whenever any vacancy occurs in his company, by death, resignation, or removal of any Justice or Constable, immediately to notify his company of the same, and call them together by advertisement giving ten days notice, for the purpose of holding an election to fill such vacancy; which election shall be holden by the commanding officer aforesaid, and two freeholders, or householders, as he may appoint, and the individual elected to fill such vacancy, shall hold said office three years from the date of his commission. [Approved, Dec. 31, 1822.]

Vacancies
how filled.

AN ACT

To authorize the Governor of this state to remit all or part of any forfeiture, which has or may accrue to this state.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this state, or person exercising that office, be, and he is hereby authorized, and empowered in all criminal and penal cases, except those of treason and impeachment, to grant pardons, reprieves, and to remit all fines and forfeitures which have accrued, or may hereafter accrue to this state: *Provided,* that the powers hereby granted, shall not extend to fines and forfeitures which have already been paid into the Treasury.

Gov. may
grant pardons,
&c.

Remit
fines and
forfeitures

Proviso.

Sec. 2. *And be it further enacted,* That this act shall take effect from and after the passage thereof.

Commence-
ment.

Sec. 3. *And be it further enacted,* That the Governor,

Gov. may
remit fines
accruing
to a county

Proviso.

Act of
1820 re-
pealed.

or person exercising the duties of that office, shall have full power to remit all fines and forfeitures, or so much thereof as he may deem expedient, which have accrued, or may hereafter accrue to any county in this state: *Provided*, said fine or forfeiture be not collected and paid into the Treasury of any such county.

Sec. 4. *And be it further enacted*, That the act passed on the twenty-first of December, eighteen hundred and twenty, authorizing the Governor, or person exercising that office, to remit any part of any fine, forfeiture, or sentence of imprisonment, be, and the same is hereby repealed.

[Approved, Dec. 12, 1822.]

AN ACT

Authorizing the Judge of the County Court of Mobile County to appoint a public Weigher in the City of Mobile.

Whereas, difficulties and disputes frequently arise between the seller and the purchaser of cotton and other articles of merchandize, with regard to the weight, and for the remedy thereof:—

Judge to
appoint
weighers.

Bond.

Oath.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the County Court for the county of Mobile, be, and he is hereby, authorized to appoint one or more suitable persons, not exceeding two, who shall be known as a public Weigher for the city aforesaid. And the person appointed a public Weigher as aforesaid, before he enters upon the duties of his office, shall be required to give bond with good and sufficient security to the Judge of the County Court aforesaid, in the sum of one thousand dollars, for the faithful performance of the duties enjoined on him by this act; and shall also take and subscribe an oath, that he will without favor, partiality or affection, discharge the duties of his office.

Judge to
fix com-
pensation.

Weigh-
er to assess
damages.

Sec. 2. *And be it further enacted*, That the Judge of the County Court aforesaid, shall have power and authority to make such rules and orders for the government and compensation of said public Weigher, as to him may seem meet, and the same to amend and revoke, alter and amend from time to time, as he may deem proper; and whenever the said public Weigher may be called upon by any person or persons, to weigh cotton, or any other article that may, upon examination thereof, prove to be partially wet or damaged, the said public Weigher shall have full power and authority to decide and determine the loss of weight such cotton or other article has sustained in consequence of being weighed in a wet or partially damaged state; and the said public Weigher shall make such allowance in the actual weight for such wet or damage as may to him appear

equitable and just between the vender and the purchaser, or the parties interested therein; and the returns of cotton or any other article made by the public Weigher as aforesaid, after having been weighed at the scales of such public Weigher, shall be binding upon all parties interested therein, so far as regards the weight: *Provided, however,* that any person or persons whatsoever shall at all times have the right to weigh his or their own cotton, or any other article at their own scales.

**Weigh-
ers return
binding.**

Provide.

Sec. 3. *And be it further enacted,* That the Judge of the County Court aforesaid, on charges preferred by any person or persons feeling themselves aggrieved by the neglect of the said public Weigher, and on affidavit being made in support of the same, it shall be the duty of the Judge aforesaid to summons the said public Weigher to appear before him at such times as he may appoint; giving at least two days notice, and furnishing at the same time a copy of the charges as preferred, to enable him to appear with his proof; and if on a fair investigation of the charges from the testimony adduced, the said public Weigher shall have been found guilty of any wilful neglect of the duties of his office, then and in that case it is hereby made the imperative duty of the Judge aforesaid to dismiss him from office, and appoint another suitable person to fill the vacancy: *Provided always,* that the costs of said investigation shall be paid by the party in default: *And provided also,* that all witnesses shall be entitled to the same pay, and the cost shall be collected as in other cases: *Provided also,* that it may be lawful for any person or persons who may be injured by the conduct of the public Weigher to put in suit the bond aforesaid, in any Court having jurisdiction thereof, and judgment shall be rendered for the penalty of said bond, to be discharged by payment of the amount of damages found actually to be sustained, together with costs of suit: *Provided,* that nothing in this act contained, shall be intended to force persons to have their cotton and other produce weighed by the aforesaid Weigher, or have damages thereon assessed; unless they shall think proper so to do.

**Persons
aggrieved
may com-
plain to
Judge, who
shall ar-
range and
try the
Weigher.**

Provide.

[Approved, Dec. 31, 1822.]

AN ACT

For the Relief of John P. Hickman and Richard Ellis.

Sect 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the clerk of the Circuit Court of Madison county, to make out a full and complete transcript of the record and proceedings, in a suit instituted on the third of August, 1819, in the late Supreme Court of said county, by John P. Hickman, against Richard Ellis, and deliver the same to the clerk of the County Court of Madison county, who shall place

the same on the trial docket, at the term next succeeding its reception into his office.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said County Court to take jurisdiction of said cause, and to try the same as if it had originated in the said County Court.

Sec. 3. *And be it further enacted*, That the clerk of said County Court, at the time of receiving said transcript, shall issue a notice, in writing, to the Attorney of said Ellis, apprizing him of the transfer of said case, which said notice shall be served by the Sheriff of said county.

Appeal
shall lie to
Supreme
Court.

Sec. 4. *And be it further enacted*, That on the decision of said cause, in said County Court, a Writ of Error, or Appeal, shall lie immediately to the Supreme Court, and not to the Circuit Court; and that the rules and regulations applicable to appeals and writs of error, from the Circuit Court, shall govern this case.

Sec. 5. *And be it further enacted*, That the costs which have accrued, and may hereafter accrue in said cause, shall abide its ultimate decision, and shall be paid by the party, against whom it may be decided.

[Approved, Dec. 14, 1822.]

AN ACT

To empower the County Court of Tuscaloosa, to appoint a Jury to view a Public Road, leading from the South end of Market Street, in the Town of Tuscaloosa.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That upon petition, the County Court of Tuscaloosa shall have power to appoint a Jury, to view a road which has been established from the south end of Market street, in the town of Tuscaloosa; and the said Jury shall have power to view said road, the distance of three miles, commencing at Market street; and if the Jury be of opinion, that said road can be run on other ground without inconvenience to the public, and of less injury to the lands of individuals, they shall report the same to the court, subject to the same rules and regulations of the laws now in force, relating to public roads. [Approved, Jan. 1, 1823.]

AN ACT

To alter and amend an Act extending the jurisdiction of the County Court of Mobile County, passed the 17th day of December, 1821.

Time of
holding
court, for
assaults, &c

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, the Judge of the County Court of Mobile, shall hold a court on the first Mondays in January, March, June, July, September, and December, in every year, for the trial of all cases of assault and battery, affrays, breaches of the peace, and of petit and grand larceny; which said court shall continue in session, if business so require, six judicial days and no longer.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Sheriff of said county, as soon as may be convenient, after the passage of this act, and every twelve months thereafter, to make out a correct list of all persons liable to serve on Juries,

within the corporate limits of the city of Mobile, and within six miles thereof, and return the same to the clerk's office of said court.

Sec. 3. *And be it further enacted*, That when the said list shall have been returned by the Sheriff aforesaid, eighteen names shall be drawn therefrom, which shall compose the original panel, either in open court, or at any time five days previous thereto, by the Clerk and Judge, or by the Clerk and Sheriff; and who shall be summoned at least two days previous to the day of court. 18 persons to compose original panel.

Sec. 4. *And be it further enacted*, That if any Juror shall fail to attend, in obedience to his summons, he shall be liable to the same penalties, as he would be in failing to attend on the Circuit Courts.

Sec. 5. *And be it further enacted*, That in case the yellow fever, or other malignant disease, should prevail in the said city of Mobile, then, and in that case, it shall be the duty of the Judge to adjourn the court to some convenient and healthy place, not more than six miles from the city, by giving public notice of the place, in some of the newspapers printed in the city. Judge to remove court in case of malignant disease.

Sec. 6. *And be it further enacted*, That the said County Court shall, in all cases, be governed by the same laws and rules of practice, which govern the Circuit Courts of this state; except, where the same is altered by this act, and the act to which this is intended as an amendment.

Sec. 7. *And be it further enacted*, That all acts or parts of acts, coming within the meaning and perview of this act, be, and the same are hereby, repealed: *Provided*, that the Judge of the County Court, for the county of Mobile, shall have jurisdiction of all offences against the laws of this state, except where the punishment is capital. [Approved, Dec. 23, 1822.]

AN ACT

For the trial of the right of Property taken by virtue of an Execution or Attachment, and claimed by any person not a party to the Suit.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of January next, in all cases where property shall be taken by virtue of an execution or attachment, when the sum claimed doth not exceed fifty dollars, the person or persons claiming the same, and not being a party to the suit, may apply to some Justice of the Peace for a *venire facias* directed to the constable or other officer, to summons seven good and lawful jurors to attend at such time and place as he the said Justice shall appoint, not less than five nor more than ten days from the time of issuing the same: *Provided* always, that the said Justice of the peace, before he issues his *venire facias*, shall require the claimant to make oath or affirmation of his right to the property; and if the Jury shall find the property liable to the execution, the person or persons laying claim, shall pay the cost of said trial, and execution may issue therefor: But if the property shall be found to be the property Property claimed by a person not a party to the suit. Right may be tried by jury.

Previous

—and pay of the person laying claim, the plaintiff shall pay the costs, which shall be to the Justice of the Peace, for issuing the *venire facias*, fifty cents; for attending on the trial, fifty cents; to the constable for summoning the Jury and attending the trial, one dollar and fifty cents.

Oath of Jury. Sec. 2. *And be it further enacted*, That the Jury so summoned, when they appear at the place appointed, shall take the following oath, viz: "We and each of us do solemnly swear, (or affirm, as the case may be,) that we will well and truly inquire into the right of the property now held, by execution or attachment, (as the case may be,) and a true verdict give, according to evidence, so help me God." *Provided always*, that if any of the Jurors summoned as aforesaid, fail to attend, the Constable shall complete the number from the by-standers; and the verdict of the Jury shall be returned to the Justice who shall enter judgment thereon; and if either party be dissatisfied with such judgment, they shall be entitled to an appeal to the next Circuit Court, where the trial shall be had the first term, by an issue made up by the parties or their counsel.

Constable may summon by standers to complete a jury. Sec. 3. *And be it further enacted*, That where it may appear to the satisfaction of the Jury, that the claim was set up for the purpose of vexation or delay, the Jury shall assess the damage not exceeding fifteen per cent. on the amount of the plaintiff's claim.

Jury may assess damages. Sec. 4. *And be it further enacted*, That any person being returned as a Juror, to try the right of property as aforesaid, and failing to attend, it shall be the duty of the Justice attending said trial, to assess a fine on said Juror, not exceeding five dollars; but if said Juror shall attend within five days, and render a sufficient excuse to the Justice aforesaid, his fine shall be remitted; and any witness failing to attend and give evidence, when legally summoned for that purpose, shall be liable, in like manner, to a fine not exceeding five dollars; which fines shall be collected by the Constable, and paid to the county treasurer.

Defaulting jurors to be fined. Sec. 5. *And be it further enacted*, That all acts and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby repealed: *Provided*, that nothing herein contained, shall be so construed, as to prevent the party, in whose possession the property is levied on, to retain that possession, under the rules and regulations heretofore prescribed by law.

[Approved, Dec. 20, 1822.]

AN ACT

To provide for drawing Petit Jurors to serve in the Circuit Courts of the County of Dallas.

Witnesses failing to attend may be fined. Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, there shall be drawn in the same mode, now prescribed by law, twenty Jurors to attend the Circuit Courts of the county of Dallas, whose names shall be incorporated in the venire; and they shall be summoned by the Sheriff of said county, to appear on the first day of the second week of the term of said court, to serve six days on the original panel, as petit Jurors.

Sec. 2. *And be it further enacted*, That the persons who are returned on the original panel, and drawn as petit Jurors, on the first day of the term of said court shall, after the expiration of six days of said term, be discharged from further attendance, as petit Jurors, during the term of said court.

[Approved, Jan. 1, 1823.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue of Butler county, to levy a county tax, and for other purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court and the Commissioners of Roads and Revenue of the county of Butler, be, and they are hereby, authorized to levy a tax on all persons and property in said County, subject to taxation, not exceeding one-third of the State tax, which shall be collected by the Tax Collector in the same manner and for the same compensation that the State tax is collected, and paid into the county Treasury; and shall be appropriated by the said Judge and Commissioners for county purposes.

Commissioners to levy tax.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, the town of Buttsville, in the county of Butler, shall be called and known by the name of Greenville.

Sec. 3. *And be it further enacted*, That all rights, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the name of Buttsville had not been changed.

Sec. 4. *And be it further enacted*, That it shall be the duty of the commissioners appointed by law, to fix upon a seat of Justice for the county of Butler, on or before the first Monday in May next, and annually thereafter to make a fair and correct statement, in writing, to the Judge of the County Court and the Commissioners of Roads and Revenue of said county, of all the town lots which shall have been sold for the use of said county, in the town heretofore known by the name of Buttsville, and of all the monies which may have been collected, and the several sums due them as commissioners aforesaid, and of such other things in relation to their proceedings as they may deem necessary; or as the said Judge and Commissioners may require. And it shall be the duty of the Judge and Commissioners aforesaid, to make a record of the same in a book to be kept by their Clerk for that purpose; and to allow to the said Commissioners all expenditures which shall have been incurred by them, in managing the business of said town. And it shall moreover be the duty of the Commissioners aforesaid, when they shall have completed the public buildings, which they are authorized by law to erect, and paid the expenses of the same, without delay, to account to the Judge and Commissioners aforesaid; and after deducting all disbursements and their own compensation, pay over the balance of public money, if any in their hands arising from the sales of lots in said town, into the County Treasury of said county, to be appropriated

Commissioners of the town formerly known by the name of Buttsville to settle with the Judge of the county court.

by the Judge and Commissioners aforesaid, to county purposes.

Sec. 5. *And be it further enacted*, That all laws contravening the provisions of this act, be, and they are hereby repealed.

[Approved Dec. 28, 1822.]

AN ACT

To repeal in part, and amend an act, entitled an act, supplementary to an act, to establish a State University.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the present Board of Trustees of the University of Alabama, shall continue in office for the term of three years, from the time of their election, and until their successors shall be duly elected and qualified.

Term of
office of
Trustees.

Vacancies
how filled.

Proviso.

Sec. 2. *And be it further enacted*, That it shall be the duty of the General Assembly to fill all vacancies in the board of Trustees which shall happen by the expiration of the term of service, death, resignation or otherwise, at the next session after such vacancy shall happen: *Provided*, That should any vacancy happen during the recess of the General Assembly, the board of Trustees shall have the power to fill the same by an election, which shall continue until vacated by an election to be made by the General Assembly at their next session.

Other trust-
ees to be
elected.

Sect. 3. *And be it further enacted*, That so soon as the site of the University shall be selected, there shall be six additional Trustees elected by the General Assembly, who shall reside within fifty miles of the University, and whose term of office shall expire with that of the present Trustees.

Sec. 4. *And be it further enacted*, That at the expiration of the term, for which the present Trustees are elected, the Legislature shall proceed to the election of six Trustees, who shall reside within fifty miles of the University, and of two other Trustees, from each Judicial Circuit within the State, who, together with the Governor of the State, shall form the Board of Trustees, and shall continue in office during the pleasure of the Legislature: *Provided* also, that the six additional trustees to be thus chosen, shall have no power to vote upon the subject of any appropriation of the funds to be employed for the buildings to be erected in pursuance of this act, until six months after the same shall have been commenced.

Trustees
to meet an-
nually.

Proviso.

Sec. 5. *And be it further enacted*, That there shall be a stated annual meeting of the Trustees, to be held at the time of conferring degrees, and that the President of the University, together with two of the Trustees or three of the Trustees without the President, shall have full power to call an occasional meeting of the Board, whenever it shall appear to them necessary: *Provided* that reasonable

notice by mail or otherwise be first given to all the other Trustees, specifying the cause or causes of such meeting; And provided also, That no other business shall be transacted by the board, than that specially assigned as the cause of the meeting, unless at least seven of the board shall concur therein.

Sec. 6. *And be it further enacted*, That at all meetings of the trustees, a majority shall be capable of doing and transacting all the business and concerns of the University, except such as is herein excepted; they shall have the power of electing all the necessary and customary officers of said institution; of fixing their several salaries, and of removing any of them for neglect or misconduct in office, a majority of the whole number of Trustees concurring in said removal: Provided, That no permanent election of any officer shall be made, or salary be fixed at any other than the stated annual meetings of the Trustees; but all elections which shall be made at any called meeting, shall expire at the end of the next stated meeting; they shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting of all such ordinances and by-laws as shall appear to them necessary for the good government of the University and of their own proceedings; provided the same be not repugnant to the laws of the United States and of this State.

Majority
may do bu-
siness.
May ex-
ecut offi-
cers.

Provido,

Sec. 7. *And be it further enacted*, That the head of the said University shall be styled the President; and the Instructors, the Professors; and the President and Professors while they remain such, shall not be capable of holding the office of trustee: and the president and professors, or a majority of them, shall be styled *The Faculty of the University*; which Faculty shall have the power of enforcing the ordinances and by-laws adopted by the trustees for the government of the students, by awarding or censuring them, and finally by suspending such of them, as after repeated admonitions, shall continue disobedient or refractory, until a determination of the board can be had: And it shall be in the power of a majority of the trustees present, at a stated meeting, to expel any student or students.

Style of
the Presi-
dent and
professors.

Sec. 8. *And be it further enacted*, That the title of the lands which this state has received as a donation from the congress of the United States for a seminary of learning, be, and the same is hereby vested in the said trustees and their successors in office, to be appropriated in the manner hereinafter directed, to wit: The said lands shall be sold at public auction at such times and places as the said trustees shall direct, or have by ordinance heretofore directed, at a price not less than seventeen dollars per acre;

Land vest-
ed in trust-
ees.

— to be
sold.
— at
— at
— at

— Terms
of Sale.
— may
be sold in
town lots.

Proviso.

Purchaser
to execute
bond.

Trustees
to give
certifi-
cates to
purchasers

Purchas-
ers may
pay the
whole sum
due previ-
ous to time
specified

Payment
not made
—land for-
feited.

one fourth part of the purchase money shall be paid down at the time of sale; one eighth part in one year thereafter, with interest at the rate of six per cent. per annum; one eighth part in two years after said sale, with interest as aforesaid; and the residue of the purchase money shall be paid at the expiration of eight years after said sale, with interest as aforesaid, payable annually, to commence at the day on which the third payment shall become due: Provided that the said trustees shall have power to lay off town lots at any place they shall deem expedient, and to dispose of the same on such terms, and under such regulations as they shall prescribe: Provided that the said lots when so laid off, shall not sell for a less sum than the minimum price herein expressed: And each and every purchaser shall, moreover, at the time of said purchase, execute his bonds payable to the said trustees and their successors in office, conditioned for the true and punctual payment of the purchase money and interest thereon, according to the terms of said sale.

Sec. 9. *And be it further enacted*, That the said trustees upon receiving from any purchaser of any tract or parcel of land which may be sold as aforesaid, the one fourth part of the purchase money so required to be paid as aforesaid, and the bonds conditioned as aforesaid, duly executed, shall issue to said purchaser, a certificate under the seal of the trustees, that the purchase of such tract of land has been made by the purchaser, that he has paid one fourth part of the purchase money, and that he has given bonds according to law, and declaring that upon the punctual payment of each and every one of the remaining instalments, with the interest thereon, the amount of each of which shall be specified in such certificate, they will convey such tract of land to such purchaser, his heirs or assigns; and should such purchaser assign such certificate, the assignee shall possess all the rights which may have been vested in his assignor: Provided, that the purchaser of any tract of land as aforesaid, his heirs or assigns, shall have the liberty at any time within the period of credit herein before given, if the land shall not have been forfeited, of paying to the said trustees the whole amount of principal and the interest then due upon said purchase; upon which payment, the said trustees shall convey to such purchaser, his heirs or assigns, a title in fee simple to said land.

Sec. 10. *And be it further enacted*, That should any purchaser of any tract of land as aforesaid, the heirs or the assignees of such purchaser, fail to make punctual payment of the amount of principal and interest, or of in-

terest which may become due on said tract of land, the said tract of land shall be absolutely forfeited to the said trustees, with the money paid thereon; and the said trustees may, and they are hereby authorized, after the expiration of three months from the time of said forfeiture, to dispossess any person or persons who may be in possession of such tract of land by the writ of unlawful detainer, saving in every case of a forfeiture, the growing crop to the occupant: Provided, nevertheless, that if the said trustees shall within the said period of three months institute a suit upon the bond given for the said purchase, in that case the said forfeiture shall not accrue until a failure of said suit, to coerce the payment of the money due as aforesaid; which failure shall be ascertained by a return of *non est inventus*, to a *capias ad respondendum* or of *nulla bona* to a *fiery facias*.

Provid.

Sec. 11. *And be it further enacted*, That at the expiration of the term of credit, or within three months thereafter, herein before prescribed upon the sales of said lands, the purchaser, his heirs or assigns, shall have the right upon the payment of all interest then due upon said purchase, and upon surrendering up the certificate of purchase, to convert said purchase into a lease for ninety-nine years, renewable forever, upon condition that the lessee, his heirs, executors, administrators or assigns, shall pay to the said trustees interest at six per cent. per annum, upon the amount of the original purchase money due at the time of converting said sale into a lease.

Purchase may be converted into lease.

Sec. 12. *And be it further enacted*, That upon the election as aforesaid of any purchaser, his heirs or assigns, of any tract of land sold as aforesaid, to convert said sale into a lease as aforesaid, the said trustees shall execute to such lessee a deed of lease, specifying the terms thereof as aforesaid, which lease shall be assignable by said lessee, and the said assignee shall possess all the rights which may have been vested in his assignor.

Trustees to execute deed of lease.

Sec. 13. *And be it further enacted*, That the said Trustees shall forever have the right to distrain any personal estate belonging to the lessee, his heirs, assigns, or the tenant in possession of any tract of land so leased, for the payment of the interest as it shall become due on said lease, in such manner as shall be prescribed by law; and the personal estate of said lessee, his heirs, assigns, and the tenant in possession, shall always be liable in preference of other debts, for the payment of the interest due on the lease, and upon a failure of payment of the whole, or any part of the interest due on said lease, upon a *distringas*, for that purpose to be issued, the lessee, his heirs or assigns, shall forfeit all

— may distrain for payment of interest.

Personal estate in preference to other debts, &c.

Interest
not paid,
lease for-
feited.

Forfeit-
ures to be
sold by
trustees.

Overplus
to be paid
to lessee.

Proviso.

Trustees
may rent
land.

to superin-
tend sale.

Trustees
-- may
appoint a
gent.

Estate
not liable
to be tax-
ed.

Officers
exempt
from mili-
tary duty.

right and interest, in and to the land so leased, together with all sums of money which may have been paid for the purchase and lease of the same : And all lands thus forfeited, shall be sold by the trustees to the highest bidder, at public auction, for ready money, two months public notice being first given of the time and place of such sale, and after paying the amount due upon the original purchase, together with all interest due to the said trustees, up to the time of sale, with all costs and expenses of sale—the remainder if any, shall be paid to the lessee, his heirs, executors, administrators or assigns, who may be entitled to receive the same; and the person purchasing, according to the provisions of this section, shall enure to all the equity, and be subject to the same rules as are herein before prescribed for original purchasers or lessees : Provided, that all lands forfeited by a failure of the payment of either the purchase money or interest, shall never be sold for a less sum than is due and unpaid on said land, agreeable to the terms of the original sale or lease, (as the case may be.) and all forfeited lands which may be offered for sale, and shall not bring the amount due on account of the purchase money and interest, shall forever remain the property of the trustees, and their successors in office, subject to the same rules and regulations as other lands belonging to the State University.

Sec. 14. *And be it further enacted,* That the said trustees shall have the power to rent, from year to year, such part of the lands as shall not be sold at the public sales, as aforesaid, in such manner as they shall by ordinance prescribe ; and the monies which shall be due thereon, shall be recoverable in such manner as shall be prescribed by law.

Sec. 15. *And be it further enacted,* That it shall be the duty of the trustees, whenever a sale of lands is to take place, to appoint three of their own body, who or any one of whom, together with such other trustees as may attend, shall be superintendents of said sale ; and in case there shall be a failure of the agent to attend and conduct the sale, the trustees so attending, shall have power to appoint another agent, and to take his bond and approve of his security ; and the board of trustees shall have power at all times, when they may deem it expedient, to remove any agent, and appoint another in his place.

Sec. 16. *And be it further enacted,* That the estate both real and personal of the said Corporation shall be free and forever exempt from taxes, and the persons of all officers, servants and students belonging to said University, shall, during their continuance there, be exempt from taxes, serving on juries, working on roads, and ordinary military duty.

Sec. 17. *And be it further enacted,* That there shall also be established three branches of said University for Female Education, to be located at such places as may be deemed by the Legislature most for the public good; and the Legislature shall proceed to locate and fix the sites of said branches, at the same time, and by the same manner of election that the site of the principal University is to be located; and said branches shall each be governed by twelve directors, to be elected annually by the Board of Trustees; and the government thereof shall in all respects be according to the by-laws of the University, framed and ordained for that purpose: Provided, that not more than one hundred thousand dollars shall be appropriated by said trustees, for the purpose of erecting buildings for said branches.

* Female institutions to be established,

how governed.

Proviso

Sec. 18. *And be it further enacted,* That a sum not exceeding fifty thousand dollars in the discretion of the trustees, of the monies which may be received from the first payments of the lands sold, be, and the same is hereby appropriated and set apart, for the erection of the necessary buildings of the said University; and that the interest arising from the last payments, to be made upon the sale of the lands as herein before provided to be sold, shall be set apart and vested as the same may be received in the Stock of the United States, and applied exclusively to sinking the amount of money hereby appropriated to the erection of the buildings as aforesaid, until the amount so invested shall be equal to the sum which may be so expended, after which the same shall be considered as capital stock, and shall never thereafter be diminished.

Sum appropriated for erection of buildings.

Certain sum to be vested in U.S. stocks

Sec. 19. *And be it further enacted,* That the residue of the sum, after deducting the sum which may be expended in the erection of the buildings as aforesaid, which may be received from the payments on the sales of the lands, shall be invested by the trustees without delay, as the same shall be, in such stocks of the United States, as the trustees may think most profitable: Provided, that a sum not exceeding one hundred thousand dollars, may in the discretion of the Board, be invested in a State Bank, if one shall be established, or in stock of the state, should such be created, and the sums so invested, shall be considered Capital Stock, and shall never be diminished.

\$100,000 may be invested in Bank, or State stock

Sec. 20. *And be it further enacted,* That the interest to be paid by the purchasers of the lands, or the lettees as aforesaid, or which shall be received from the stock which shall be purchased, as herein before directed, or so much thereof as may be necessary, shall be appropriated by the trustees, to discharge the current expenses of the Univer-

Sum appropriated for payment current expenses

sity, and the trustees shall report to the General Assembly, once in each year, the state of the funds committed to their charge, with such recommendations, with regard to the improvement thereof, as to them shall seem advisable.

Money to be paid over to the Treasurer

Trustees may sue for and collect sums due.

Proviso.

Sec. 21. *And be it further enacted*, That it shall be the duty of the Treasurer and Comptroller of public accounts, to deliver over to the treasurer of the board of trustees, on his application, all sums of money and notes and bonds which may be in possession of either of them, and which they have received from the rent of lands hereby vested in the trustees, or which they may hereafter receive, and the treasurer of the trustees shall give his receipt for the same; and the monies so received, shall be subject to the order of the trustees; and the trustees are hereby authorized to sue for and collect all sums which are now due, or which may hereafter become due from the notes or bonds which shall be so received by the treasurer of the said trustees, to be by them appropriated to the use of the University: *Provided*, that any monies that are now in the hands of the comptroller or treasurer of public accounts, belonging to the State University, shall be subject to the call of the trustees, until the treasurer of the board of trustees shall be duly authorized to receive said monies.

Sec. 22. *And be it further enacted*, That the trustees shall also have the power to sue for and collect all sums of money which are now due, or which may hereafter become due from such persons as have or hereafter shall occupy any of the lands hereby vested in said trustees, without a lease from said trustees.

Repeal.

Sec. 23. *And be it further enacted*, That all acts and parts of acts contrary to this act, be, and the same is hereby repealed.

Sec. 24. *And be it further enacted*, That the twenty-second section of the act to which this is an amendment, be, and the same is hereby repealed.

[Approved, Dec. 21, 1822.]

AN ACT

For the Relief of the Huntsville Bank.

Quo warranto suspended under certain restrictions.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That by the solemn pledge of the Directors of the Planters' and Merchants' Bank of Huntsville, to the Legislature and the country, that this Bank will in the course of the ensuing year, eighteen hundred and twenty-three, resume specie payments with ability to meet all its engagements, the further prosecution of the writ of *quo warranto* against said Bank shall be staved and suspended, until the first day of March next; and if on or before said

day a majority of the Stockholders, both in number and scale of voting as prescribed by the Charter of said Bank, and also a majority of the Directors to be elected for the ensuing year, together with the President of the Board, shall renew the pledge and assurance to resume specie payments, and to continue the same with ability to meet all its engagements within the year eighteen hundred and twenty three: *And provided*, the said President and Directors, or a majority of them, shall, when called on to do the same, execute a bond or obligation with good and sufficient security in double the amount of the revenue assessed within their respective counties, to each and every Collector of the Revenue for the following counties, to wit: Jackson, Decatur, Madison, Limestone, Lauderdale, Franklin, Marion, Lawrence, Morgan, Blount and St. Clair, conditioned that they, the said President and Directors, will well and truly redeem with specie, or the notes of specie paying Banks, which are receivable in the Land-Offices in this State, all the notes of the Bank aforesaid on demand, at their Banking-House, on or before the tenth day of November next, which the said Collectors may receive in payment of taxes at par, within the said counties, they, the said Collectors, being required to make oath to the same; or that the said Bank shall resume specie payments generally, on or before the day and date above written, in either of which events, the obligation of the said President and Directors shall be void; and shall also assent and agree to the modification or amendment to the Charter of said Bank, contained in the second section of this act; which pledge and assent, shall be signed by the President, Directors and Stockholders, or a majority of each, and transmitted to the Governor of this state, and a copy thereof to the Solicitor of the District in which the writ is pending; then and in that case, the proceedings on said writ shall remain suspended, until the first day of January, eighteen hundred and twenty-four: *Provided*, that nothing in this act contained, shall be so construed as to authorize the bills of said Bank to be received into the Treasury, until it shall resume specie payments generally; after which resumption of specie payments, said notes shall be receivable as the notes of other specie paying Banks of this state.

Sec. 2. *And be it further enacted*, That if at any time after the first day of January, eighteen hundred and twenty-four, the said Bank shall fail or refuse to pay specie for any note or notes it may have issued, without the consent of the General Assembly of this state first obtained, authorizing the suspension of specie payment, then and in

Provided
President
and Direc-
tors to exe-
cute bonds

— in cer-
tain events
assent to a
modification
of their
charter.

— and
transmit to
the Gov:
&c. a copy
of such as-
sent.

Provided.

Without
consent of
the Gene-
ral Assem-
bly after a
three spec-
ies, &c.

ter default-
ed.

Govt on
failure, to
proclaim
charter
void.

Preced-
ing section
part of the
charter in
event.

that case, the Charter of said Bank shall be forfeited; and if at any time subsequent to the first day of January, eighteen hundred and twenty-four, the Governor shall ascertain, by note regularly protested for non-payment, that said Bank had refused to pay specie for any note it has issued, or may issue, then and in that event, he is hereby authorized and required, to issue his proclamation, declaring the said Charter void.

Sec. 3. *And be it further enacted*, That the preceding section shall be taken and considered as a part of the Charter of said Bank, so soon as the assent of a majority of the Stockholders, both in number and scale of voting as prescribed by the Charter, and of the Directors and President, shall be transmitted to the Governor of this state, herein before provided.

[Approved, Dec. 24, 1822.]

AN ACT

To legalize the Election of certain Officers in Decatur County.

Preamble

WHEREAS, it is represented to this General Assembly, that on account of the acts of the last General Assembly not having been received, the election of clerks of the Circuit and County Courts, and sheriff of Decatur county which was directed to be held on the second Monday in February, by an act to establish the temporary seat of justice in the county of Decatur, and for other purposes, approved on the thirteenth day of December, eighteen hundred and twenty-one, was by mistake, held on the first Monday in February, instead of the second, as directed by said act, but was in all other respects, held fairly and according to law; therefore,

Elections
declared
valid.

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That said election shall be valid to all intents and purposes, and all the official acts of those who were elected sheriff and clerks as aforesaid, shall be as good, legal, and valid, as if said election had taken place on the said second Monday in February.

To com-
mence.

Sec. 2. *And be it further enacted*, That this act shall be in force from and after the passage thereof.

[Approved, Dec. 31, 1822.]

AN ACT

To authorize the Judge of the County Court of Mobile to take possession of the Spanish Records.

Judge to
have
charge of
spanish re-
cords.
— to ap-
point a

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the County Court Judge, for the county of Mobile, to take charge of the Spanish records, and keep them under his immediate charge; appointing at the same time, a suit-

able person as translator, and clerk for the office, whose duty it shall be, to examine and translate, when required, the records aforesaid. translator.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Judge aforesaid, to correct from time to time, any irregularity he may discover in the management and safe-keeping of the said records, by removing the said translator, should he act improperly in the discharge of the duties of his office. — to cor-
rect irreg-
ularities in
the trans-
lation.

Sec. 3. *And be it further enacted,* That the translator aforesaid, shall be entitled to the same fees and emoluments, as are now allowed to the present translator for examining, translating, and performing such duties as belong to his office. Trans-
lator's fees.

Sec. 4. *And be it further enacted,* That the Judge aforesaid shall administer the following oath to the person by him appointed, before he suffers him to enter on the duties of his office: "I, A. B. do solemnly swear, (or affirm, as the case may be,) that I will honestly and truly translate to the best of my ability when required, the records aforesaid, and that I will in every particular, discharge the duties imposed on me by this act, to the best of my knowledge; so help me God." — Oath.

Sec. 5. *And be it further enacted,* That the Judge of the said County Court, shall have power, and he is hereby directed, to proceed against any person or persons who may have possession of all, or any of said records, and refuse to deliver them on request to the said Judge, for a contempt, and punish him for such contempt as in other cases of contempt of court. Judge to
recover
records by
process.

[Approved, Dec. 31, 1822.]

AN ACT

To authorize the Judge of the County Court of Mobile County to purchase a lot of Ground for the purpose of erecting thereon the Public Buildings of said County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court of Mobile county, or his successor in office, be, and he is hereby, authorized to purchase a lot of ground in the city of Mobile, suitable for erecting thereon the public buildings of said county, and to receive a title in fee simple for the same for the use of said county. Judge of
County C't
to pur-
chase a lot

Sec. 2. *And be it further enacted,* That the Judge aforesaid be, and he is hereby, authorized, to draw on the county treasurer of said county, in favour of such person or persons of whom said lot of ground may be purchased, for the amount of the purchase money, at such time as the same may become due, by the conditions of the contract. — to draw
on County
Treasurer
for paymt.

[Approved, Dec. 31, 1822.]

AN ACT

To revise, consolidate and amend, the several acts relative to the Militia of this State.

Who li-
able to mi-
litary duty

Excep-
tions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all free white men, and indented servants, between the ages of eighteen and forty-five years, shall compose the Militia of this State; Judges of the Supreme, Chancery, Circuit and County Courts, and their respective Clerks, Secretary of State, Treasurer, Comptroller, Attorney-General, Solicitors to the different circuits, licensed Ministers of the Gospel, of every denomination, Public Ferry-men, Justices of the Peace, Post-Masters, Post-Riders and Millers, shall be exempt from Militia duty; except in cases of imminent danger, insurrection or invasion.

1st divi-
sion.

2d

3d

4th

1st Brigade

2d

3d

4th

5th

6th

7th

8th

9th

Regiments
how form-
ed.

Battalion.

Companies

Sec. 2. *And be it further enacted,* That the Militia of this state shall compose Four Divisions; the First of which, shall consist of the counties of Jackson, Madison, Limestone, Lauderdale and Decatur; the Second Division, shall be composed of the counties of Morgan, Blount, St. Clair, Lawrence, Franklin, Marion, Tuscaloosa, Shelby, Jefferson and Pickens; the Third Division, shall be composed of the counties of Greene, Marengo, Perry, Bibb, Autauga, Montgomery, Dallas and Wilcox; the Fourth Division, shall be composed of the counties of Monroe, Conecuh, Henry, Butler, Clark, Washington, Baldwin, Mobile, Covington and Pike; each of which Divisions, shall be commanded by a Major-General, and shall form nine Brigades: the first of which, shall be composed of the counties of Jackson, Decatur and Madison; the second, of Limestone and Lauderdale; the third, of Blount, St. Clair and Morgan; the fourth, of Lawrence, Franklin and Marion; the fifth, of Tuscaloosa, Jefferson, Shelby and Pickens; the sixth, of Green, Marengo, Perry and Bibb; the seventh, of Autauga, Montgomery, Dallas and Wilcox; the eighth, of Monroe, Conecuh, Henry, Butler, Covington and Pike; the ninth, of Clarke, Washington, Baldwin and Mobile; each of which, shall be commanded by a Brigadier-General: each Brigade shall consist of not less than two, nor more than five regiments; each Regiment to be commanded by a Colonel Commandant, and to be composed of two Battalions; the first of which, shall be commanded by a Lieutenant Colonel; the second, by a Major: each Battalion shall consist of not less than two, nor more than six Companies; each Company shall consist of not less than forty privates, and shall be commanded by a Captain, Lieutenant and Ensign, four Sergeants, four Corporals and two Musicians.

Sec. 3. *And be it further enacted,* That the Regiments

shall be designated and numbered as follow, to wit: the county of Jackson, number one; county of Decatur, number thirty-five; county of Madison, number two, three, and thirty-three; county of Limestone, number four and five; county of Morgan, number six and thirty-nine; the county of Lawrence, number seven and eight; the county of Franklin, number nine and thirty-seven; the county of Lauderdale, number ten and eleven; the county of St. Clair, number twelve; the county of Shelby, number thirteen; Blount, number fourteen; Jefferson, number fifteen; Marion, number sixteen; Tuscaloosa, number seventeen and eighteen; Greene, number nineteen and thirty-eight; Marengo, number twenty; Bibb, number twenty-one; Dallas, number twenty-two; Autauga, number twenty-three; Montgomery, number twenty-four and forty; Henry, number twenty-five; Monroe, number twenty-six and twenty-seven; Conecuh, number twenty-eight; Butler, number twenty-nine; Clarke, number thirty; Washington, number thirty-one; Perry, number thirty-two; Pickens, number thirty-four; and Wilcox, number thirty-six.

Regiments
how num-
bered.

Sec. 4. *And be it further enacted*, That Major-Generals shall be elected by all the commissioned officers in the Division; Brigadier-Generals, shall be elected by all the commissioned officers in their respective Brigades; Field Officers, shall be elected by all free white males over the age of eighteen years, in their respective Regiments; Captains and Subalterns, by all free white males over the age of eighteen years, in their respective Companies. All Militia Officers may hold their commissions during good behaviour; none shall resign under two years unless permitted to do so by a Court Martial; the President of which, shall be of equal rank with the officer wishing to resign, under the penalty of being ineligible to any military appointment, for the next succeeding two years; and in case any military officer may become a candidate at any election for a superior office, and not be elected, his place shall not be vacated thereby.

Major &
Brigadier
Gen's how
elected.
Field of-
ficers.
Capt's &c.

Sec. 5. *And be it further enacted*, That from and after the passage of this act, when any election shall be holden, for a Major-General, or a Brigadier-General, it shall be the duty of the Executive, to appoint the time of holding the same; giving not less than sixty days, nor more than eighty days notice for the election of Major-General; and not less than forty, nor more than sixty days notice, for the election of Brigadier-General.

Execu-
tive to ap-
point the
time of hold-
ing elec-
tions for
Major and
Brig. Gen.

Sec. 6. *And be it further enacted*, That the Governor, upon issuing a Writ of Election for Major-General, or Brigadier-General, to the Sheriff residing in said Division, or Brigade, shall, determine on one of the said Sheriffs to

**Duty of
Sheriffs in
elections.**

whom the other Sheriffs of the said Division, or Brigade, shall, immediately upon the close of the polls, make their returns, and the Sheriff receiving the said returns, shall, within four days, transmit to the Secretary of State, a correct pool of said election.

**Place of
holding e-
lection.**

Sec. 7. *And be it further enacted,* That the Officers of the Regiment, in the Division or Brigade, in elections for Major-Generals, or Brigadier-Generals, shall vote at their respective Court Houses, or places of holding Courts, in each county.

**Mode of
contesting.**

Sec. 8. *And be it further enacted,* That in elections for Major-Generals, or Brigadier-Generals, if any candidate be dissatisfied, he may notify the Governor, and the contending candidate, that he intends to contest the election; and shall file his reasons therefor, in the office of the Secretary of State, within twenty days after said election: whereupon, the Governor shall, forthwith issue his order to the Adjutant General, directing a General Court Martial to be holden, to consist of not less than seven, nor more than thirteen officers, who shall have power to decide, which of the contending candidates is duly elected, or to declare said election void: *Provided,* That an officer of equal grade, with the office for which, the candidates may contest the election, shall be detailed as President thereof; and in the event of his failing to attend at the time and place specified in the order, the officer attending highest in rank, shall preside.

**Adj. and
Quarter
Mast. Gen.
how elect'd
Proviso.**

Sec. 9. *And be it further enacted,* That the Adjutant and Quarter Master General, shall be elected by joint vote of both houses of the General Assembly, and shall hold their offices for the term of four years: *Provided,* that the Governor shall have power to fill any vacancy, that may occur in the recess of the General Assembly, by appointments to expire at the end of the next General Assembly.

**Maj. Gen.
may app't
an assistant
adj't Gen.
(His duties)**

Sec. 10. *And be it further enacted,* That the Major Generals shall have power to appoint an Adjutant General, with the rank of Colonel to their respective divisions; whose duty it shall be to receive returns of the strength and condition of the Militia, from the Assistant Adjutant Generals; consolidate the same, and make out three fair copies thereof, lay them before the Major General for his inspection, and transmit annually on or before the third Monday in November, one copy thereof to the Adjutant General of the State, and retain the other copy in his own office: it shall also be his duty to make all details (in pursuance of orders from the Major General) on the different Brigades of their respective Divisions, and keep a fair register of all the General Orders, and official acts of the Major General, and lay the same when required, before any tribunal, be

fore which a Major General may be tried on any charges exhibited against him: the Major General shall also have power to appoint an Inspector General, with the rank of Colonel, and a Quarter Master General and two Aids-de-camp, with the rank of Major; whose several duties shall be, such as are prescribed for officers of the like rank and grade in the Army of the United States.

— may
app't In-
specto-
General,
&c.
His duty.

Sec. 11. *And be it further enacted*, That Brigadier Generals shall appoint their Brigade Staff, which shall consist of an Assistant Adjutant General, with the rank of Major; an Inspector General, with the rank of Major; an Aid de-camp, with rank of Captain, and a Brigade Quarter Master, with the rank of Captain: it shall be the duty of the Assistant Adjutant General to attend Regimental Drills, when ordered by the Brigadier General, and Drill the officers in conformity with the rules and regulations of the Infantry of the United States, to receive from the Adjutants of Regiments, returns of their strength and condition, consolidate the same, and make three fair copies, which shall be submitted to the Brigadier General for his examination; one of which copies he shall annually transmit to the Adjutant General of the Division, to which his Brigade may belong, retaining the others in his office; it shall also be his duty to make all details, (in pursuance of orders from the Brigadier General) on the respective Regiments of his Brigade, and keep a fair register of all General Orders, and Official Acts, of the Brigadier General, and lay the same before any tribunal, before which the Brigadier General may be tried on any charges alleged, when required to do so; it shall be the duty of the Assistant Inspector Generals and Aids-de-camp to perform such duties as are performed by officers of the like grade and rank in the Army of the United States; Brigade Quarter Masters shall take charge of all public stores committed to their care; and perform all other duties required of Assistant Quarter Masters General in the service of the United States.

Briga-
dier-Gen'l
may ap-
point Bri-
gade Staff.

Duties of
Assistant
Adjutant-
General,
&c.

Sec. 12. *And be it further enacted*, That the Assistant Adjutant Generals of Brigade, shall receive the sum of five dollars for each day they may be engaged in the discharge of their respective duties, to be paid out of any money in the Treasury, not otherwise appropriated, on the certificate of the commanding officer.

Assistant
Adj. Gen.
his pay.

Sec. 13. *And be it further enacted*, That Major Generals may review any Corps of their Division when they may think proper: *Provided*, they shall not convene by special order, any troops for that purpose; Brigadier Generals may review the different Regiments of their Brigade, once in each and every year; Major Generals, or officers commanding Divisions, shall receive and execute all orders

Duty of
Maj. Gen.

— Or
Brigadier
General:

Cols. duty

from the Governor; Brigadier Generals, or officers commanding Brigades shall receive and execute all orders from the Major General, or officers commanding Divisions; Colonels, or officers commanding Regiments shall receive and execute all orders from Brigadier Generals, or officers commanding Brigades; and officers commanding Battalions and Companies, shall receive and execute all orders from commanding officers of Regiments.

Officers to meet & be drilled.

Notice of drill.

Penalty for non attendance.

Proviso.

Sentence affecting life.

Arrest for neglect of duty.

Officers to be cashiered.

Certain court martial, how appointed.

Sec. 14. *And be it further enacted*, That it shall be the duty of the Brigadier General to cause the commissioned and non-commissioned officers of each Regiment to meet at their usual muster ground, and have them Drilled by the Assistant Adjutant General two days previous to the Regimental Muster, giving at least thirty days notice thereof; and each Battalion, shall hold one muster annually, at such time and place, near the center of the bounds of the Battalion as may be directed by the commanding officer of the Regiment, he giving the commanding officer of the Battalion twenty days notice of such muster; and the commissioned and non-commissioned officers of the said Battalion shall attend and be Drilled the day preceding the said Battalion Muster, by the commanding officer of said Battalion; and any officer or non-commissioned officer failing, or refusing to attend the aforesaid Drills may be arrested and cashiered, in addition to the fines contained in the twenty-ninth section of this act; *Provided*, that all reasonable excuses shall be taken.

Sec. 15. *And be it further enacted*, That no sentence of a Court Martial affecting the life of an officer, shall be executed, until approved by the Governor and four-fifths of both houses of the General Assembly.

Sec. 16. *And be it further enacted*, That it shall be the duty of a Major-General to arrest a Brigadier-General, for neglect of any duties enumerated in this act, and order a Court Martial for his trial; and Brigadier-Generals shall have power to arrest any officer in his Brigade, for neglect of duty.

Sec. 17. *And be it further enacted*, That any officer of the Militia of this state, who shall be found guilty of conduct unbefitting an officer and a gentleman, shall be cashiered.

Sec. 18. *And be it further enacted*, That whenever any of the Courts Martial (Regimental Courts Martial excepted) provided for in this act, shall have been detailed and convened, the senior or superior officer shall be the president, and the court shall choose a Judge Advocate, who shall be sworn by the president to a faithful and impartial performance of his duty, and shall keep the proceedings of the court secret until divulged by the officer ordering the same: the Judge Advocate shall then administer a similar oath to the president and members of the court.

Sec. 19. *And be it further enacted,* That the Governor shall have power to appoint four suitable persons as Aids-de-Camp, who shall have the rank of Lieutenant Colonel, and serve the Governor in the same manner as the Aids of General officers do.

Gov. to
app't aids

Sec. 20. *And be it further enacted,* That the Adjutant General shall be Adjutant and Inspector General, with the rank of Colonel; he shall receive from the Adjutant Generals of Division all returns of the strength and condition of the Militia of this state and make out four fair copies thereof, annually, lay one copy of the same before each branch of the General Assembly, and retain one copy in his own office, for the information of the Governor; he shall transmit all orders from the Governor, and in pursuance of his orders, make details in the several Divisions of this state; he shall annually transmit to the Secretary of the War Department of the United States, a return of the strength and condition of the Militia of this state; he shall obey and execute all orders of the Governor, and receive as compensation therefor the sum of one hundred dollars per annum.

Adj't. gen.
to be adjt.
and Insp'r
General.

—his de-
ty.

—his com-
pensation.

Sec. 21. *And be it further enacted,* That the Quarter-Master General shall be charged with the care of all public stores, of arms, ammunition, tents, camp equipage, &c. and when any part of the Militia of this state shall be called into actual service, he shall on the requisition of the Governor, furnish such articles of arms, ammunition and camp equipage as may be in his possession or power to procure; he shall perform all such duties (when in the field) as are performed by Quarter-Masters General in the army of the United States, and shall have the rank of Colonel; he shall keep a register of all arms, accoutrements and Military stores belonging to the state; he shall also take care that the public arms and stores, as may be returned by any part of the Militia of this state who have been in actual service; he shall at all times give to the Governor, when required, an account of the quantity, state and condition of all arms, camp equipage and public stores that may belong to the state; he shall give security in the sum of two thousand dollars, for the faithful performance of his duty, and receive for his services annually, one hundred dollars: *Provided,* that he shall receive no salary except he keep the public arms in good order, which are deposited in the State Arsenal.

Quarter
Master
General's
duty.

—to give
bond.

—compen-
sation.

Sec. 22. *And be it further enacted,* That the commander in chief, for the time being, may at his discretion, aid and assist the citizens of any portion of the state, in erecting temporary works, and means of protection; and build such redoubts and establish such Military posts, as he shall deem necessary and best calculated to promote the common defence.

Commn-
der in chief
may erect
military
posts.

Remove
military
stores.

Call out
Militia.

Inspect
arsenals.

Quarter
Mast. Gen.
to furnish
volunteer
companies
with arms.
Previous

Sec. 23. *And be it further enacted,* That the commander in chief, for the time being, shall have authority to remove to some temporary place of safety, and deposite such portion of the arms, ammunition, and military stores, at any time deposited in the arsenal of the state, as circumstances may appear to require, and when necessary in his opinion, to provide and furnish sufficient guards to protect public Arsenals, until it be found expedient to call out into public service, detachments of Militia on whom this duty shall in part devolve; and it shall also be his duty from time to time, to examine, or cause to be examined, by some proper officer, the situation of the several Arsenals throughout the state, to require security from the Arsenal keepers, and to remove them for negligence, or other improper conduct, or for incapacity for performing the duties devolving on them as such; and to appoint in case of removal, other persons to supply the vacancy thereby occasioned; and the Quarter-Master General is hereby authorized and required to furnish to each of the Volunteer Companies of Infantry, Cavalry and Artillery, within this state, on application of the commanding officer of any of said companies any quantity and such description of arms from the public Arsenals as may be necessary for the arming of said corps: *Provided,* that the said commanding officer, enter into and give bond with good and sufficient security, payable to the Governor and his successors in office, in double the amount of the value of the said arms so furnished, whenever demanded by the proper authority, in the same good condition and without damage, further than the wear of time, as when received; which bond shall be transmitted to, and deposited in the Secretary of State's office.

Reg't &
Sgt. must.

Duties of
Adj'ts of
Regiments

Sec. 24. *And be it further enacted,* That it shall be the duty of Adjutants of Regiments to attend all Regimental and Battalion musters, and assist in preparing for review or evolutions; he shall keep a register of the officers of the Regiment, with their grades, and the strength and condition of each Company; he shall obey all orders from the Field Officers of his Regiment, serve all notices or process directed to him, on the Officers of his Regiment; he shall make within ten days after each Regimental muster, a complete return of the strength and condition of his Regiment, and transmit the same to the Assistant Adjutant General of his Brigade; he shall keep a record of all Regimental and Battalion orders, and the proceedings of Regimental and Battalion Courts Martial; he shall keep a register of every officer and private drafted or detailed for the service of the state, or the United States; muster, inspect and march to the place of rendezvous every detachment of de-

tailed Militia, and forward a complete return of them to the Assistant Adjutant General; he shall distribute to the Captains or commanding officers of his Regiment such forms of returns, as the Assistant Adjutant General may furnish him with; and each Adjutant shall receive such compensation as the Regimental Court Martial shall think proper for his services, to be paid by the Paymaster out of the fines collected, on order from the President of such Court.

Compensation.

Sec. 25. *And be it further enacted,* That it shall be the duty of the Quarter Master to attend all Regimental and Battalion musters, and under the direction of the commanding officer, choose a place of parade, and with a guard prevent disturbances from spectators; he shall, on order from the commanding officer of the Regiment, purchase instruments of music, colors, &c. and draw on the Paymaster for the same.

Quarter master's duty.

Sec. 26. *And be it further enacted,* That it shall be the duty of the Pay Master, to attend regimental and battalion musters, and aid in the execution of the orders of the Commanding Officer; he shall receive all monies collected for fines by the sheriff or constable, and receipt for the same; he shall account to the Regimental Court Martial at every annual session, for the amount of fines received, and how expended; he shall, on order from the President of the Regimental Court Martial, pay the Quarter Master and Adjutant for expenses and services: The Regimental Pay Master shall retain six per centum out of the monies received, as compensation.

Duty of Paymaster

Compensation.

Sec. 27. *And be it further enacted,* That the Adjutant, Quarter Master, and Pay Master, shall rank as lieutenants; and the Regimental Staff, in addition to them, shall consist of a Regimental Surgeon, two Surgeons's Mates, a Serjeant Major, a Quarter Master Serjeant, a Drum Major, and Fife Major.

Rank of Adjutant, Quarter, & pay mast'r

Staff.

Sec. 28. *And be it further enacted,* That the Commanding Officers of Companies shall hold four company musters, annually; and shall give at least five days notice through the orderly serjeant of the Company, of any Company, Battalion or Regimental Muster, or a notice given at one muster of the next Company, Battalion or Regimental Muster, shall be deemed sufficient notice of the same; he shall note down all delinquents at company musters, and make a return on honor thereof to the Company Court Martial; and, in like manner, make return of delinquents, at Battalion, or Regimental Musters, to Battalion or Regimental Courts Martial; he shall cause the Company to be drilled in conformity to the instructions governing the infantry of the United States.

Duty of company officers.

Fines how
assessed.

Sec. 29. *And be it further enacted,* That the following fines shall be assessed on officers and privates failing to perform any of the duties required by this act: On a Major or Brigadier General, not less than twenty, nor more than five hundred dollars; on a Colonel, not less than fifteen, nor more than three hundred dollars; on a Lieutenant Colonel, or Major, not less than ten, nor more than two hundred dollars; on a Captain, not less than eight, nor more than one hundred and fifty dollars; on a Lieutenant or Ensign, not less than six, nor more than one hundred dollars; on any of the Regimental Staff, not less than six, nor more than one hundred dollars; on non-commissioned officers, not less than two, nor more than fifty dollars; on privates, not less than one, nor more than ten dollars.

Non com-
missioned
officers
how ap-
pointed.

Sec. 30. *And be it further enacted,* That any officer commanding a company, shall have power to appoint the non-commissioned officers of his company; and any non-commissioned officer so appointed and refusing to act, shall be fined five dollars.

Regimen-
tal, Staff,
&c. how
appointed.

Paymas-
ter to give
bond.

Sec. 31. *And be it further enacted,* That the Colonel or officer commanding a Regiment, shall have power to appoint his Regimental Staff, which shall consist of one Adjutant, one Quarter Master, and a Pay Master, who shall perform such duties as are performed by Pay Masters in the army of the United States, and who shall give bond with security for the faithful performance of his duty, in the sum of five hundred dollars to the Governor; and it shall be the duty of the Colonel or officer taking such bond, to transmit the same to the Secretary of State's office: the Colonel or officer commanding a Regiment, shall also have power to appoint one Surgeon and two Mates: The Adjutant, Quarter Master, and Pay Master, shall be commissioned by the Governor.

Refusal
to turn out
in case of
alarm, how
fined.

Sec. 32. *And be it further enacted,* That any non-commissioned officer or private of the militia, who shall refuse to turn out on the order of his proper officer, in case of insurrection, invasion, or alarm, shall be fined in any sum not less than one hundred, nor more than five hundred dollars.

Refusal
when
drafted
how pun-
ished.

Sec. 33. *And be it further enacted,* That any non-commissioned officer or private, who shall refuse when drafted, and ordered to repair to the place of rendezvous, shall suffer death, or such other punishment as a Court Martial may inflict.

Fines how
collected.

Sec. 34. *And be it further enacted,* That all fines incurred by authority of this act, shall be returned by the President of the Court Martial before whom such fines may be assessed, to the constable of the company in

whose limits the offender may reside, or to the sheriff of the county, for collection; and also a certified copy of the same to the Pay Master of the Regiment: The certificate of the President shall be a sufficient warrant to the constable or sheriff, for collection of the same, and the constable or sheriff shall be further required to collect and pay over to the Regimental Pay Master all such fines within forty days after receiving the authority for collection, and take a receipt from the Pay Master for the same; if no property be found, the defaulter may be seized and committed to jail, until the fine be paid: *Provided, however,* that all reasonable excuses shall be heard by the court, when the party accused shall appear to give the same; *And provided also,* if the said defaulter shall swear before any justice of the peace, that he is not worth the amount of the fine, he shall be released, and the sheriff or constable shall be allowed such fees as the law allows in other claims of the same amount; and should the said constable or sheriff fail to pay over or account to the Pay Master within the time required by this act, for the amount of fines assessed and returned to him as aforesaid, the Pay Master shall, and he is hereby, authorized and required, to commence a suit against the said constable or sheriff for the amount of the fines not accounted for, before any court having jurisdiction thereof: and should the said Pay Master fail in the prosecution of any suit as aforesaid, against the constable or sheriff, he is authorized to pay the costs out of any monies he may have in possession on account of fines.

Proving.

Sheriff, &c. failing to pay over fines collected, how proceeded against.

Sec. 35. *And be it further enacted,* That the Commanding Officers of Regiments and Battalions, shall, after their respective Regimental or Battalion Musters, detail a Regimental or Battalion Court Martial, as the case may be, to convene within twenty days thereafter, for the trial of such persons as may be brought before it, giving at least five days notice to each defaulter: it shall be the duty of the officer ordering the Court to appoint the Adjutant, or such person as he may think proper, who shall act as Judge Advocate to said Court: no officer shall be a member of the Court Martial, while he is a defaulter.

Regimental, &c. court martial how appointed.

Sec. 36. *And be it further enacted,* That no officer or private shall be arrested by any civil process while going to, continuing at, or returning from any muster or court martial, or other military meeting; and any arrest, process or execution on the person, at such times, is hereby declared void. All persons liable to do militia duty, going to, or returning from any muster or court martial, shall pass all ferries, bridges, and turnpikes, free of expense.

Officers and privates exempt from arrest, &c.

By stand-
ers fined,
and pri-
vates in
certain ca-
ses.

Sec. 37. And be it further enacted, That any officer may put into confinement for the day, any by-stander that may interrupt the muster, drill, or court martial: and any person enrolled appearing at any muster, or drill, shall be ordered into ranks; and, if he refuses, shall be put into confinement for the day, and fined as a defaulter; and no person shall be exempted from military duty, unless in the opinion of a Regimental Court Martial, he shall be wholly unfit for service; and if the Court have doubts, they may require the opinion of the Regimental Surgeon; as soon, however, as such inability may be removed, he shall again be ordered to duty.

Militia
called into
service,
how paid
and gov'd.

Sec. 38. And be it further enacted, That all militia called into actual service, shall be paid, provisioned and governed as the United States troops are, and be subject to the rules and articles, for the government of the armies of the United States, whether such militia be accepted in the service of the United States or this state.

Substi-
tutes liable
to be draft-
ed.

Sec. 39. And be it further enacted, That in case of a second draft before the tour of duty expires for which a substitute has been hired, the substitute shall stand his draft; and, if drafted, be liable to join the second detachment as soon as his former tour may expire; and in case of drafts, the requisitions shall call for officers, non-commissioned officers and privates: *Provided always,* that any person furnishing a substitute shall be exempted from serving himself, but shall, notwithstanding, be compelled to attend Company, Battalion, and Regimental musters, and perform patrol duty; and in the event of a second draft, should a substitute be drafted, before the former tour is performed, the person furnishing said substitute, shall perform his tour of duty, until the former has been performed, and the said substitute join the second detachment.

Person
liable to do
duty, give
notice to
com'r of
company.
— who
shall be
enrolled.

Sec. 40. And be it further enacted, That all persons liable to do military duty, moving into the bounds of a company, shall, within thirty days, or at the next muster after his arrival in said bounds, report himself to the commanding officer of said company, who shall immediately enrol him. Every person between the age of eighteen and forty-five years shall be compelled to do militia duty by the commanding officers of the company in whose bounds he may reside, until such person shall produce a certificate from the captain of some volunteer company that he is legally enrolled in such corps, and is equipped as the corps require.

Light In-
fantry and
Riflemen.

Sec. 41. And be it further enacted, That there may be one company of volunteer light infantry or riflemen in each Regiment, to consist of not less than forty, nor more

than eighty privates ; to be officered in the same manner as other companies of the Regiment are ; the non-commissioned officers and privates of the said companies, shall be liable to do patrol duty within the limits of the militia companies, in which they may reside ; they may choose their own uniform, and no volunteer company shall be raised for a shorter period than two years : *Provided*, that no military company shall be reduced to a less number of privates than forty, by raising such volunteer company.

Proviso.

Sec. 42. *And be it further enacted*, That there may be one troop of Cavalry and one company of Artillery in each Regiment, organized in the same manner, and liable to perform the same duties as other volunteer companies.

Cavalry and Artillery.

Sec. 43. *And be it further enacted*, That when any vacancy occurs in a Regiment, it shall be filled in the following manner : When in the office of Colonel, the Brigadier General shall issue a writ of election to the sheriff, giving thirty days notice of, and appointing the time of holding such election ; the Colonel Commandant shall in like manner provide for the election of Lieutenant Colonels and Majors ; and the said sheriff shall advertise the said elections in at least six of the most public places, and open a poll at the several election precincts, within the limits of the Regiment, in which said election shall take place ; and shall make his return thereof in the same manner as is made in elections of general officers ; Lieutenant Colonels and Majors, shall order election for company officers within their respective Battalions, and shall appoint the place of holding said elections, within the company district where such vacancy may be, giving at least fifteen days notice thereof, and appoint a superintendent of the same, who shall make a return of the poll of said election to the Commanding Officer of the Regiment, a statement of which shall be by him transmitted to the executive office.

Vacancies in Regiments, how filled.

Sec. 44. *And be it further enacted*, That when any officer is elected in the mode pointed out by this act, the opposing candidate after such election has been held, if he thinks himself aggrieved, and shall think proper to contest the election, he shall notify the officer ordering the same, in writing, within ten days after said election ; and the officer ordering said election, shall order a regimental or battalion court martial, as the case may be, which shall decide the contest : the President of the court shall transmit the decision of the court to the Secretary of State ; but if the election shall be set aside by the decision of the said court, the President thereof shall transmit the said decision to the officer ordering the said election, who shall forthwith order a new election.

Contesting elections.

Arms &c.
exempted
from seiz-
ure.

Sec. 45. *And be it further enacted,* That all arms and accoutrements of the militia of this state, shall be exempted from distress, either by attachment, execution, or other legal process.

Compa-
ny Courts
Martial
how held.

Sec. 46. *And be it further enacted,* That company Courts Martial shall be holden within ten days after the regular muster day of each company, at the usual muster ground, for the trial of delinquents; the company Court Martial shall consist of two or more commissioned officers; and the commanding officer shall detail said court, and give notice at each muster, of the time and place of holding such court, which shall be deemed a legal notice to delinquents: an appeal from the decision of said courts may lie to the Battalion Court Martial; the delinquent shall notify the court during their session of his intention to appeal from their decision to the said Battalion Court Martial, and the officers holding the said company Court Martial shall furnish the said Battalion Court Martial with the proceedings in the case; and if the decision shall be confirmed against the delinquent, he shall be fined in double the amount of the judgment of the company Court Martial.

Persons
aggrieved
may ap-
peal.

Regiments
and Batta-
lions how
changed.

Sec. 47. *And be it further enacted,* That Regiments and Battalions may be changed by a General Court Martial, or Regimental Court Martial, as the case may be, for the internal regulation of either.

Made of
proceed-
ings against
delin-
quents
who move
out of the
county.

Sec. 48. *And be it further enacted,* That should any person who has been fined according to the provisions of this act, remove out of the county in which said fine was assessed, the amount of the said fine shall be forwarded to the sheriff of the county into which the delinquent has removed, by the constable of the company or sheriff of the county from which the delinquent had removed; and the sheriff to whom such return is made shall proceed forthwith to make the money within thirty days, and cause the same to be paid over to the Paymaster of the Regiment from which said delinquent removed, after retaining such commissions as are granted for the collection of such sums in other cases.

Uniform
in the ar-
my of the
U. States
to be the
uniform of
this state.

Sec. 49. *And be it further enacted,* That the Uniform of the officers of the Militia of this state, shall be the same as the Uniform of officers of the same grade of the army of the United States; and it shall be the duty of the Adjutant General to furnish without delay, to the Assistant Adjutant General of each Brigade, a statement regulating the uniform of the Militia of this state, agreeably to this act, identifying the different articles of the same: *Provided,* that no platoon officer shall be required to change the uniform which he now has, nor shall any platoon officer be subject to fine for not being in uniform, or Field or General officer for

wearing lace, or for not wearing chapeau-de-bras; and that all officers may wear red or black sword belts as well as white.

Sec. 50. *And be it further enacted*, That all fines assessed by any Company Court Martial, and paid over to the Paymaster of the regiment, shall be applied exclusively to the purchase of music, colours, hiring musicians, &c. for the use of the said company: *Provided however*, that all fines assessed and collected by any company court martial from defaulters at battalion and regimental musters, shall be paid as heretofore to the Paymaster, for the use of the regiment.

Company
fines to be
applied to
the purchase
of music, &c.

Sec. 51. *And be it further enacted*, That Courts Martial shall hereafter have the same power to compel the attendance of witnesses, as are vested in the Courts of Law and Equity in this state.

Courts
Martial
may com-
pel attend-
ance of
witnesses.

Sec. 52. *And be it further enacted*, That no allowance shall be given to officers, for services rendered as members of any Court Martial whatever.

No com-
pensation
to officers.

Sec. 53. *And be it further enacted*, That in all cases where returns have been or shall hereafter be made to the Secretary of State, the Governor shall commission accordingly; and in all returns upon which commissions are to be issued, if to fill vacancies, the name of the person and cause of such vacancy, shall be stated in said return; if an original appointment, the return shall so express it.

Returns
how made

Sec. 54. *And be it further enacted*, That if any officer whatever shall absent himself from his command at any one time, for a longer period than twelve months, unless furloughed by the commanding officer of the regiment, brigade, division, or of the State, as the case may be, his office shall be considered vacated, and shall be filled as provided for by law in other cases of vacancies.

Officers
shall
vacate if
absent 12
months.

Sec. 55. *And be it further enacted*, That the Judge Advocates hereafter appointed to General Courts Martial, shall be allowed the sum of five dollars per day, for each day they may be actually engaged in completing the records of the same; and the President's certificate shall be deemed a sufficient voucher to the treasurer of the state, for the payment of the same.

Judge Ad-
vocates
compensa-
tion.

Sec. 56. *And be it further enacted*, That the Assistant Adjutant Generals shall be allowed the sum of three dollars for every thirty miles travelling to and from their residence in attending the several regimental musters, as now provided for by law; and five dollars for each days attendance at drill, musters and reviews, to be paid out of any money in the treasury not otherwise appropriated, upon the certificate of the Brigadier General: *Provided*, they shall receive no pay, unless they make return of the strength of their brigades to the Adjutant General, so as to enable him to make

Assistant
Adjutant
General's
compensa-
tion.

Proviso

Brigade Majors how paid a return to the war department, of the strength of this state.
Sec. 57. And be it further enacted, That the allowance made to Brigade Majors for travelling expenses by an act passed at the last session of the General Assembly, shall be paid out of any money in the treasury not otherwise appropriated, on the certificate of the Brigadier General.

Line between the 1st & 35th regiments *Sec. 58. And be it further enacted,* That the boundary line between the counties of Jackson and Decatur, as the same is or hereafter may be established, shall be the line between the first and thirty fifth regiments.

Line between the 6th & 39th regiments. Colonel's election of 39th regiment. *Sec. 59. And be it further enacted,* That the line, dividing the line dividing the third and fourth ranges west, in Morgan county, shall be the dividing line between the sixth and thirty-ninth regiments; the western regiment to be the thirty ninth; and it shall be the duty of the Brigadier General to issue a writ of election for a Colonel of said regiment, who so soon as he is elected and qualified shall proceed to organize his regiment.

This act to be printed. *Sec. 60. And be it further enacted,* That the Secretary of State cause this act and the patrol laws of this state to be printed together in a pamphlet, separate from the other acts of the General Assembly; and that he is hereby authorized to cause the same to be distributed to the several commissioned officers of this state: *Provided,* that nothing in this act shall be so construed as to authorize a Court Martial to levy a fine on any person who attends muster without a gun, if such person will make oath that he has no gun and that he is unable to purchase a gun without injury to himself or family.

Tenth Brigade formed *Sec. 61. And be it further enacted,* That the militia of Jackson and Decatur counties, which now compose the first and thirty-fifth regiments, be, and they are hereby, formed into a separate brigade, to be called the tenth brigade; which is attached to the first division of the Militia of this state; and it shall be the duty of the Major General of said Division, and he is hereby required, on or before the first day of April next to issue orders for an election of a Brigadier General to command said brigade, as is prescribed by the provisions of this act.

Brigadier General to be elected therefor. *Sec. 62. And be it further enacted,* That the boundary lines of no captain's beat shall hereafter be altered, but with the consent of a Regimental Court Martial.

Brigade court martial constituted of a majority of officers therein. *Sec. 63. And be it further enacted,* That a majority of the officers of each brigade shall constitute a Brigade Court Martial, when convened for that purpose by the Brigadier Generals of each brigade.

Reg't & Battalion court martial. *Sec. 64. And be it further enacted,* That Regimental and Battalion Courts Martial, shall require a majority of the commissioned officers of the regiment or battalion, to constitute a Court.

[Approved, Dec. 31, 1822.]

AN ACT

To provide for the printing of the Laws and Journals, and other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That there shall be a State Printer elected annually, by a joint vote of both Houses of the General Assembly, who shall receive a salary of eighteen hundred dollars for his services; and before he enters on the duties of his office, shall give bond with security to the Governor, for the time being, or his successors in office, in the sum of four thousand dollars, for the faithful performance of his duty. Printer to be elected. His salary. To give bond.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Printer so appointed, to print and publish the number of copies of the acts and resolutions of each session of the General Assembly, and as many copies of the Journals of each House as may be directed by resolution of the General Assembly. To print laws and journals.

Sec. 3. *And be it further enacted,* That the acts and resolutions of the General Assembly, shall be printed with type of the denomination of small pica, the marginal notes thereof affixed with brevier, and the captions thereof in italic of the same metal of small pica, and the journals of each house with small pica, and published as hereinafter directed. Denomination of type.

Sec. 4. *And be it further enacted,* That the Secretary of State shall, within ten days after the rising of the General Assembly, deliver to the Printer so elected, a fair copy of the acts and resolutions thereof, affixing thereunto proper marginal notes, stating the purport of each section; also, within twenty-five days thereafter, deliver to the Printer a fair copy of the journals of each house of the General Assembly, and also direct the Printer in what manner and how the acts of the General Assembly and the journals of each house are to be distributed. Acts and resolutions to be copied. How to be distributed.

Sec. 5. *And be it further enacted,* That within seventy-five days, after the end of each and every session of the General Assembly, the Printer shall deliver to the Clerk of the County or Circuit Court of each and every county in this state, the number of copies of the acts and resolutions as directed by the Secretary of State, substantially stitched together in one pamphlet; also, the number to be directed to be delivered to the Secretary of State, with such number of copies covered with boards, as may be necessary for an interchange of laws with our sister states, as is hereinafter provided for: and the Printer shall within thirty-five days after the time given for the completion of the acts aforesaid, in like manner deliver the number of copies of the journals of each house as directed, collected Time allowed for distributing acts. Journals.

and stitched together, the journals of each house in one pamphlet.

Number
of acts to
be retain-
ed in the
Executive
Office.

Acts and
resolutions
how
distribut-
ed.

To whom
distributed
by clerks.

Journals
to whom
distribut-
ed.

Public
Printer—
salary
when re-
quired.

Previous

Sec. 6. And be it further enacted, That it shall be the duty of the Secretary of State, to retain, for the use of the Executive Officers and the two branches of the General Assembly, fifty copies of the acts and resolutions of each session, and shall cause to be transmitted to the Secretary of State of the United States, four copies; and to the Executive Officers of the several states, each, with a request that they send to the Executive of this state, in exchange, as many copies of their laws or session acts; and shall direct a distribution to be made in the following manner, that is to say: To the Comptroller of Public Accounts, one copy; to the Treasurer of the State, one copy; one to each of the Judges of the Supreme Court; one to the Attorney General; one to the Quarter Master General; one to each Solicitor; and to the Clerks of the several courts of the several counties in the state, in proportion to the population of each county, agreeably to the enumeration last before made; and the clerks of the several counties, shall, upon the receipt of said pamphlets, distribute the same in the manner following, to wit: To each Member of the General Assembly from the county, one copy; and to each and every civil officer, one copy; and the Secretary of State shall also retain fifty copies of the Journals of each house for the use of the Executive and General Assembly, and shall direct the residue to be distributed to the several officers of the state herein before mentioned, one copy each; one thereof to the Secretary of the Senate; one to the Clerk of the House of Representatives; and to the Clerks of the several Circuit Courts of the several counties, in proportion to the population of each; and the clerks of the counties respectively shall distribute the same as follows: to each member of the General Assembly from the county, one copy; and to each justice of the peace, one copy.

Sec. 7. And be it further enacted, That the Public Printer shall receive his salary in the following manner, to wit: One half on the delivery to the Secretary of State, of the receipts of the clerks of the several County or Circuit Courts in this state, showing that the number of copies of acts and resolutions directed by law, was received by them respectively, within the time limited by this act for the delivery of them, and the number required by law to be deposited in the Executive Office; and the remainder on the delivery of the receipts of said clerks for the Journals of the two houses, showing that the number of copies of the Journals of each house directed by law, was

received by them respectively, within the time limited by this act for the delivery of them, and his having deposited the number of said Journals required to be deposited in the Executive Office: *Provided*, that the receipt of the Judge of the County Court of any county in which there may be no clerk of the courts aforesaid, or of the sheriff thereof, if there be no such Judge, shall be as sufficient as the receipts of the said clerks.

Provis

Sec. 8. *And be it further enacted*, That the Secretary of State is hereby authorized, to contract for the printing of such blanks as may be wanting in his office; and the Governor is authorized and required, to draw on the contingent fund for such sum as may be necessary to pay for the same.

Secretary of State to contract for blanks.

Sec. 9. *And be it further enacted*, That all acts, and parts of acts, contrary to this act, are hereby repealed. This act shall be in force from and after the passage thereof.

How paid for.
Report.
To commence.

[Approved, Dec. 25, 1892.]

AN ACT

Appointing an agent to receive the three per cent fund.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Treasurer of this state be, and he is hereby, appointed an agent on the part of the state of Alabama, to receive of the Treasurer of the United States, or from such person or persons as may be appointed for that purpose, the whole or any part of the three per cent. of the nett proceeds of sales of lands made in this state, since the first day of September eighteen hundred and nineteen.

State Treasurer appointed Agent.

Sec. 2. *And be it further enacted*, That the Treasurer of this state is hereby authorized and required, to give a receipt or receipts, as Treasurer, for so much of said fund as may be by him received; and the receipt or receipts so given shall be binding on this state for the amount so received.

Treasurer's receipt valid.

[Approved, Dec. 31, 1892.]

AN ACT

To prevent immoral and disorderly conduct at places of religious worship.

Sec. 1. Whereas by the Constitution of the state of Alabama, the citizens hereof have the right to worship God according to the dictate of their own consciences; and whereas, the people in assembling themselves for the purposes of religious devotion are often disturbed by the disorderly conduct of wicked persons, for remedy whereof,

Prohibit

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That if any person or persons, hereafter, shall be found guilty of wilfully raising a riot, getting drunk, swearing, or any other

Persons
guilty of
misconduct
shall forfeit, &c.

act by which the congregations shall be interrupted during the continuance of any meeting for the purposes aforesaid, all such person or persons, their aiders and abettors, shall on due proof thereof, forfeit and pay the sum of twenty dollars besides costs of suit; to be recovered before any Judge or Justice having competent jurisdiction: one half to go to the informer, and the other half to the county where such fine may be recovered.

Preamble.

Persons
prohibited
retailing
spiritous li-
quors un-
der a pen-
alty, &c.

Sec. 2. And, whereas many individuals have been in the habit of retailing spiritous liquors at or near camp-meetings, thereby causing drunkenness and disorder, *be it further enacted*, that if any person whatever shall hereafter retail spiritous liquors or any kind of drink that is calculated to produce drunkenness, within two miles of any camp-meeting, quarterly-meeting, association or any other religious meeting, during the continuance of any such meeting, such person or persons so offending, their agents or servants, on due proof thereof, shall, for each and every such offence, forfeit and pay the sum of forty dollars besides costs of suit, to be recovered before any Judge, or Justice having competent jurisdiction; one-half to go to the informer, and the other half to the county where such fine may be recovered: *Provided, nevertheless*, that this law shall not operate upon such persons who actually reside within two miles of such meetings, and who have obtained and hold a licence for retailing.

Proviso,

[Approved, Dec. 10, 1822.]

AN ACT

To repeal in part and amend An Act, entitled, An Act to regulate elections &c. passed at Huntsville, December 16th, 1813

Duties
of man-
agers of e-
lections in
certain
counties.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all managers of elections in the Counties of Covington, Henry and Pike, for electing a Governor, Members of Congress, members of the General Assembly, Sheriffs and Clerks, be, and they are hereby, required to keep and file all ballots or tickets taken at their respective precincts, together with their Clerks' lists of voters, in the manner now provided for by law, for the space of sixty days, from and after the day on which said elections are held; and if no notice be given to them within that time, that any or part of any election or elections, so held, will be contested, said managers shall destroy said ballots.

Elections
how con-
ducted.

Repeal.

Sec. 2. *And be it further enacted*, That all elections held in the aforesaid counties, shall in all other respects be conducted in the manner provided for by laws now in force in this State, regulating elections; and that all laws or parts of laws contravening the provisions of this act, be, and the same are hereby, repealed. [Approved, Jan. 1, 1823.]

AN ACT

Relative to the securities of Clerks, Sheriffs, and other Officers.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Judge of the County Court, whenever application shall be made to him by the security or securities, or either of them, of any Clerk or Sheriff, or other officer of any county in this State, to issue a citation to the said Clerk, Sheriff, or other officer, to appear before him on some day therein named, not less than ten nor more than fifteen days, then and there to enter into a new bond, with good and sufficient securities, for the faithful execution of the duties of his office.

Securities relieved on application.

new bond required.

Sec. 2. *And be it further enacted,* That upon the execution of such new bond by the said Clerk, Sheriff, or other officer, the security or securities making application shall be discharged from the obligation of the bond previously entered into by them: *Provided,* that nothing herein contained, shall discharge the security or securities from any liability which they had before that time incurred.

Securities discharged

Proviso

Sec. 3. *And be it further enacted,* That if any Clerk, Sheriff or other officer, being duly served with a citation as aforesaid shall fail or refuse to give the bond as aforesaid required, then and in that case it shall be the duty of the Judge of the County Court to decree the office of the said Clerk, Sheriff, or other officer, to be vacated; and shall cause an entry thereof to be entered upon the records of the County Court: and such vacancies shall be filled, as now prescribed by law.

Clerks refusing to give bond, vacate their office

Vacancy how filled.

[Approved, Dec. 31, 1822.]

AN ACT

For the preservation of the several Court Houses in this State.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Sheriff of each and every County within this State, and he is hereby authorized and required, to take charge of the Court House of his respective county; to keep out intruders; to have it cleaned; and to observe the decays or any other injury that may be done to said Court House, or other out property attached to or near it, that may belong to said County, and make a report, at least once a year, to the County Court: and the Judge and Commissioners of roads and revenue are hereby empowered and authorized, to make such appropriations out of the County Treasury as are necessary to be by the Sheriff incurred to carry this act into effect.

Sheriff to take charge of C't House

Judge &c. to make appropriations.

Sec. 2. *And be it further enacted,* That all acts and provisions, contrary to this act, be, and the same are hereby repealed.

Repeal.

[Approved, Dec. 31, 1822.]

AN ACT

To authorize administrators to sell land belonging to the estate of their intestate, to which a complete title has not been obtained.

Adm'r. or
ex'r may
petition Ct.
Court.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall and may be lawful for an administrator of any deceased intestate, or the executor of any deceased testator who has not power by the will of the testator to sell real estate for the purpose of paying debts, or to make more equal distribution among the heirs, devisees, or legatees, to file a petition in the County Court of the county in which letters of administration or letters testamentary have been granted, setting forth that the personal estate of his intestate or testator (as the case may be,) is not sufficient for the payment of the just debts of such intestate or testator or that the real estate of such testator or intestate, cannot be equally, fairly, and beneficially divided among the heirs or devisees of such intestate or testator, without a sale of the real estate, setting out and particularly describing in such petition, the estate proposed to be sold, and the names of the heirs or devisees of such intestate or testator, and particularly stating which are of age and which are infants or *feme covert*.

Court is-
sue citati-
ons to heirs

Sect. 2. *And be it further enacted,* That upon the filing of such petition in open court, it shall be the duty of the court to order citations to all the heirs or devisees who are of full age, and to the husband of such as are *feme covert*, requiring them to appear on a particular day mentioned therein, at a regular or adjourned term of said court, and answer said petition: and it shall also be the duty of said court, forthwith to appoint guardians to such of the heirs or devisees as are infants, to answer and defend against said petition; which guardian shall not be the petitioner, or of heir to the petitioner.

— to ap-
point guar-
dians.

Guardi-
ans to de-
ny allega-
tions; may
employ
counsel.

Court to
appoint
Commission-
ers to
sell estate.

Sect. 3. *And be it further enacted,* That it shall be the duty of the guardian or guardians appointed as aforesaid, to deny all the allegations contained in said petition, without being verified by oath; and if necessary to employ counsel, to defend for his ward or wards.

Sect. 4. *And be it further enacted,* That said court shall not decree or order sale of the real estate described in such petition, where the allegations are denied by the answer; unless, he be satisfied by proof to be taken by deposition as in chancery cases, and filed in the cause: And where a sale of the estate shall be ordered or decreed by the court, commissioners shall be appointed in the order or decree, with directions to sell the estate, either for money or on credit, as may be most just and equitable; and to report to said court at the time limited in the order or decree.

Sec. 5. *And be it further enacted*, That the petitioner shall not receive the bonds or money returned and reported by the Commissioners, until he shall enter into bond and sufficient security, to be approved by the court, conditioned for the faithful payment and application of the money arising from such sale, according to the final decree.

Petitioner
or to enter
into bond.

Sec. 6. *And be it further enacted*, That the said court shall upon the coming in of the report of the commissioners, render a final decree in the cause; and if the terms of the sale have been complied with by the purchaser of the estate, the Commissioners shall be directed by such final decree to convey the estate sold to the purchaser.

Court to
render de-
cree
Commission-
ers to
convey.

Sec. 7. *And be it further enacted*, That whenever the court shall upon a full hearing of the cause decide, that the estate shall not be sold, the Judge shall dismiss the petition at the costs of the petitioner, to be levied of his own estate.

Petition-
er to pay
costs.

[Approved, Dec. 27, 1822.]

AN ACT

To allow the Trustees of the State University, pay for their services.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Trustees of the State University be, and they are hereby allowed the sum of three dollars, each, for each day they may or have been engaged in their duties as trustees aforesaid; also the sum of three dollars for every twenty-five miles travelling to and from the place of their meeting.

Trustees of
University
their com-
pensation.

Sec. 2. *And be it further enacted*, That said allowances be paid out of the University funds: *Provided*, that no trustee shall receive any compensation whatever, after the University has been organized and professors thereof appointed: *Provided however*, that the said trustees who are members of the Legislature, shall not receive any pay for their services as trustees, whilst they are in attendance as members of the Legislature. [Approved, Dec. 26, 1822.]

Paid out of
University
Funds.

Proviso.

AN ACT To suppress the evil and pernicious practice of Fire-hunting.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of January next, it shall not be lawful for any person or persons to hunt with fire in the night time; and every person convicted thereof shall forfeit and pay for every such offence the sum of fifty dollars, one-half to go to the use of the informer and the other half to go to the use of the county: *Provided*, that this act shall be construed only to embrace persons hunting deer with a gun and fire at night.

Penalty
for Fire
hunting.

Proviso.

Sec. 2. *And be it further enacted*, That any law heretofore authorizing and permitting fire hunting within four miles of any settlement, be, and the same is hereby repealed.

Repeal.

[Approved, Dec. 12, 1822.]

AN ACT

To divide the State into Districts for electing Representatives to Congress.

Preamble. WHEREAS by the census of the United States, taken in conformity to the constitution and law thereof, it appears that this state will be entitled to elect three members to the House of Representatives of the United States ;

State di-
vided into
districts.

Section 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General As- sibly convened,* That this state shall be, and is hereby divid- ed into three districts as follow, to wit: That the counties of Madison, Jackson, Decatur, Limestone, Lauderdale, and Lawrence, shall constitute one district, to be called the northern district; that the counties of Tuskaloosa, Pickens, Franklin, Morgan, Blount, Jefferson, St. Clair, Shelby, Bibb, Marengo, Perry, Greene and Marion, shall constitute one district, to be called the middle district; and that the counties of Monroe, Conecuh, Henry, Pike, Covington, Montgomery, Dallas, Wilcox, Butler, Clarke, Washington, Autauga, Mobile and Baldwin, shall constitute one district, to be called the southern district: each of which districts shall be entitled to elect one representative to the Congress of the United States, who shall be chosen by the persons qualified to vote for members of the Legislature of this state.

Each dis-
trict to e-
lect one
represent-
ative.

Repre-
sentatives
when and
how elect-
ed.

Sec. 2. *And be it further enacted,* That the election of Representatives from this state to the Congress of the United States, shall be held at the same time and places; and be regulated and conducted by the same law for holding e- lections for members to represent the several counties in the General Assembly of this state, and at the same times and places every two years thereafter; all of which elections are to be conducted by the sheriffs or by other persons legal- ly appointed therefor, in like manner as the annual elections of the members of the State Legislature; and the person hav- ing the greatest number of votes in any of the aforesaid dis- tricts, shall be the member for that district in the Congress of the United States.

Sec. 3. *And be it further enacted.* That the managers of Duty of each election which may be held for the several counties in this state shall, and they are hereby, required to keep a se- **managers of elections** parate box in which shall be deposited the ballots for a rep- resentative from this state to Congress.

Sec. 4. *And be it further enacted.* That immediately upon Elections the close of the elections in each county in this state, the how con- presiding officer at each place of election shall, in the pre- sence of the inspectors, proceed to count in a public man- ner the ballots, and shall keep an account in writing, the number of votes each candidate or person voted for shall have, and in presence of the inspectors cast up the scrolls and make a correct statement of the number of votes given

thereat, for each candidate or person voted for in each county; which shall be certified by the sheriff or other persons appointed to conduct the elections, and a majority of the inspectors.

Sec. 5. *And be it further enacted,* That the managers of the several election precincts in each of the counties composing the several election districts throughout this state, where counties have more precincts than one, shall make returns to the sheriffs at the court houses or seats of justice in their respective counties, within two days thereafter, and the managers aforesaid shall return all the tickets so counted out into the election box, together with the clerks' lists of votes sealed up, to the principal managers at the court house in their respective counties; and it shall be the duty of the said managers to keep said election boxes thus returned to them, for the space of sixty days, at the end of which time, the said votes shall be destroyed by the managers of the elections held at the court houses in each county; unless notice shall be given to said managers, that some part or parts of said election will be contested; then and in that case, it shall be the duty of said managers to preserve the same.

elections to, whom returned.

Contest- ing elec'n.

Sec. 6. *And be it further enacted,* That the sheriffs or other returning officers of the counties of each district shall meet on the second Monday in September next after each election, at the court house of the county first mentioned in their respective districts: *Provided always,* that if any accident shall happen to either of the returning officers, which may prevent any or either of them from meeting on the day aforesaid, the returns of each and every officer shall be received on the second Monday thereafter, and the sheriff or other returning officer failing to attend at the time and place abovementioned, shall forfeit and pay the sum of one thousand dollars, to be recovered for the use of the state, upon due proof thereof, in any court of law in this state by an action of debt in the name of the Comptroller of the state for the time being.

returning officer.

penalty on failing to attend.

Sec. 7. *And be it further enacted,* That when the sheriffs or other returning officers shall be convened as aforesaid, the polls for the different counties shall by said sheriffs or other returning officers, (as the case may be,) in presence of two justices of the peace who are to be summoned, or other returning officer of the county where they shall meet for that purpose, be examined and compared, and a certificate under the hands and seals of said returning officers, shall be given to the candidate in each district for whom the greatest number of votes shall have been given in each district; but if two or more candidates shall have an equal number of votes, the said returning officers shall determine which of them shall be the representative.

Polls examined.

certificate

equal votes determined.

Gov: to
commission
on those e-
lected.

Sec. 8. *And be it further enacted,* That each and every person who shall be duly elected representative under this act, upon obtaining a certificate of his election, which shall be signed by a majority of all the returning officers of the district, His Excellency the Governor, on such certificate being produced to him shall issue a commission certifying his appointment as a representative of this state, to the Congress of the United States.

Compensation of
Sheriffs.

Sec. 9. *And be it further enacted,* That every sheriff or returning officer shall be allowed the sum of three dollars, for every day he shall necessarily attend for the purpose of comparing said polls, and also the amount of his ferriages; which shall be paid by the treasurer of this state, on affidavit of the sheriff or returning officer aforesaid.

Persons
eligible.

Sec. 10. *And be it further enacted,* That no person shall be eligible as a representative to Congress from any of the aforesaid districts, who is not at the time of his election a resident citizen of the district in which he is elected.

State di-
vided into
two dis-
tricts, in e-
vent, &c.

Sec. 11. *And be it further enacted,* That should the present Congress not allow this state three representatives in Congress, then and in that case, this state shall be, and is hereby, divided into two districts as follow, to wit: The counties of Madison, Decatur, Limestone, Lauderdale, Franklin, Lawrence, Morgan, Marion, Blount, St. Clair and Jefferson, shall constitute one district: that the counties of Dallas, Perry, Greene, Tuscaloosa, Pickens, Bibb, Autauga, Shelby, Montgomery, Henry, Pike, Covington, Wilcox, Butler, Monroe, Conecuh, Baldwin, Mobile, Washington, Clarke and Marengo, shall constitute one district; each of which shall be entitled to elect one representative to the Congress of the United States.

1st. district

2d. district

Vacancies
how filled.

Sec. 12. *And be it further enacted,* That when any vacancy shall happen by death, resignation or otherwise, in the representation of the people of this state in the House of Representatives of the United States, the Governor of this state or the person exercising the powers thereof, shall issue his writ or writs of election to the sheriffs of the counties of which the congressional district is composed, commanding such sheriffs on a certain day therein particularly expressed, to hold an election to supply such vacancy: and such writs so issued by the Governor shall be delivered to the sheriffs, to whom the same may be directed, at least thirty days before the day appointed for such election, who shall give public notice thereof throughout the county, at least twenty days before such election; and such elections shall be holden and conducted in the same manner as the general elections are, for electing representatives to the Congress of the United States.

Sec. 13. *And be it further enacted*, That the sheriffs of the counties of Madison, Tuscaloosa, and Monroe, shall be the returning officers for their respective congressional districts; and the sheriffs of the other counties of the district shall make return to the returning officers above mentioned: *Provided*, that should this state be composed of two congressional districts, only, then the sheriffs of Madison and Dallas counties shall be the returning officers of their respective congressional districts; and the sheriffs of the other counties of the districts shall make return to the returning officers herein named.

[Approved, Dec. 31, 1822.]

AN ACT

To prevent free Negroes and mulattoes from retailing spiritous liquors, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the first day of May next, it shall not be lawful for any free negro or mulatto, either directly or indirectly, to retail any kind of spiritous liquors, within this state.

Prohibition,
1st, of
May.

Sec. 2. *And be it further enacted*, That any free negro or mulatto, who shall directly or indirectly violate the provisions of this act, shall forfeit and pay the sum of ten dollars for every such offence; recoverable before any court having competent jurisdiction of the same, one half to the informer and the other half to be paid into the county treasury.

Forfeiture.

Sec. 3. *And be it further enacted*, That any free negro or mulatto, who shall violate the provisions of this act, after having been once convicted and fined, shall, in addition to the fine imposed by this act, receive for every such offence, such corporal punishment on his or her bare back, not exceeding twenty five stripes, as may be ordered by the court trying the same: *Provided*, that this act shall not affect any free negro, mulatto or other person, who, by the treaty between the United States and Spain became citizens of the United States, or the descendants of any such person.

Punishment.

Provide,

[Approved, Dec. 26, 1822.]

AN ACT

To set apart a separate fund, for the support of the Poor in each County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That, hereafter, the Judge of the County Court, together with the commissioners of roads and revenue, in each county in this state, shall, annually, set apart such part of the county tax as they shall deem necessary, for the purpose of creating a fund for the support of paupers within such county; which fund shall be kept separate by the county trea-

Judge to
set apart

How ap-
propriatedOverseers
to account

forfeiture.

suror : and no money shall be drawn or paid out of said fund, except by order of said Judge, for the support of the poor within the county; and in that case, it shall be paid to an overseer of the poor, to be by him applied to the purpose for which it is intended : and all overseers aforesaid are hereby required, at the end of the term for which they are appointed, to render an account to the said Judge and commissioners, the manner in which he or they have disposed of the sum or sums of money by them received out of the poor fund, the preceding year; and in case any overseer shall neglect or refuse to render such account to the Judge and commissioners as hereby required, he shall forfeit and pay the sum of dollars for every such neglect or refusal, to be sued for by the county treasurer, for the use of the poor of each county. [Approved, Jan. 1, 1823.]

AN ACT

For the relief of purchasers of lots at the first sale, in the town of Cahawba.

Relief ex-
tended.

Proviso.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the benefit of an act entitled an act for the relief of purchasers at the first sale of lots in the town of Cahawba, passed the twenty-eighth day of November, eighteen hundred and twenty-one, be, and the same is hereby extended until the twentieth day of May, eighteen hundred and twenty-three, to all legal holders of lots that failed to apply in the time prescribed by that act : *Provided*, however, that nothing herein contained shall be so construed, as to exempt such persons failing as above, from paying into the Treasury of the state, the instalment which becomes due on the first day of December, eighteen hundred and twenty-two, pursuant to the provisions of the above recited act, before any such relief is extended.

[Approved, Dec. 12, 1822.]

AN ACT

To carry into effect the laws of the United States prohibiting the slave trade.

Gov. to ap-
point an a-
gent.

Proviso.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this state be, and he is hereby, authorized and required to appoint some suitable person, as the agent of the state to receive all and every slave or slaves or persons of colour, who may have been brought into this state in violation of the laws of the United States, prohibiting the slave trade : *Provided*, that the authority of the said agent is not to extend to slaves who have been condemned and sold.

Sec. 2. *And be it further enacted,* That the Governor

be, and he is hereby required to take such bond or bonds from the said agent or other person, into whose possession the said slaves may be placed, in such amount and with such conditions as he may deem necessary to ensure their safe keeping and proper treatment.

Agent to give bond.

Sec. 3. *And be it further enacted*, That the said slaves, when so placed in the possession of the state, as aforesaid, shall be employed on such public work or works, as shall be deemed by the Governor of most value and utility to the public interest.

Slave how employed.

Sec. 4. *And be it further enacted*, That such part of the said slaves shall be hired out as will be sufficient to defray the expenditures necessary to the maintenance and support of those employed on the public works as aforesaid.

May be hired.

Sec. 5. *And be it further enacted*, That in all cases in which a decree of any court having competent authority shall be in favor of any or claimant or claimants, the said slaves shall be truly and faithfully, by said agent, delivered to such claimant or claimants: but in case of their condemnation, they shall be sold by such agent for cash to the highest bidder, by giving sixty days notice in a newspaper printed at Cahawba, Mobile, Tuscaloosa, Huntsville and Florence.

How disposed of.

Sec. 6. *And be it further enacted*, That the money arising from such sale or sales shall be paid into the Treasury of this state, except one-fourth thereof, which shall be paid to the informer if there be one.

3-4ths paid into Treasury.

Sec. 7. *And be it further enacted*, That no informer shall be entitled to receive any part of the money arising from any such sales, except by virtue of the decree of the Judge of the Circuit Court of the county into which such slave or slaves may have been first brought; and the Circuit Judges of this state are hereby expressly authorized to try and decide all conflicting claims set up by informers, in relation to said slaves.

Judge to decide on conflicting claims.

Sec. 8. *And be it further enacted*, That it shall be the duty of the said agent to ask for and demand said slave or slaves of any person or persons, in whose possession they may be found.

Agent to demand slaves.

[Approved, Jan. 1, 1823.]

AN ACT

To exempt certain persons therein mentioned from serving in the militia of this state.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the persons belonging to and serving in *The Fire Engine Company, Neptune*, number two, in the city of Mobile be, and they are hereby exempted from serving and performing Militia duty in this state, except in time of war, invasion or insurrection: *Provided*, That the said Fire Engine Company shall not at any time exceed thirty-six members.

[Approved, Dec. 31, 1822.]

AN ACT

To amend an Act entitled, an Act to appoint Commissioners to lay out certain roads therein specified, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That John Bell, Thomas Armstrong, William Trigg and Bradley Darbe, and they are hereby appointed additional commissioners to view and mark out a way, for a road, to commence at the town of Cahawba, to run from thence, on the best, nearest and most direct route, the nature of the country will allow, to the town of Pensacola.*

[Approved, Dec. 12, 1822.]

AN ACT

To mark out and establish a road leading from the city of Mobile, in the county of Mobile, to Edwin Lewis's turnpike road, in said county.

Com's appointed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Nicholas Pope, Joseph W. Moore, Edward Hall, John W. Ward and Hugh H. Rolston, be, and they are hereby, appointed commissioners, or any three of them, to view and mark out a road of the width of one hundred feet, commencing at the west end of Dauphin Street, in the City and County of Mobile, and running from thence, in as straight a course as the ground will permit, to the commencement of a road, known by the name of Edwin Lewis's turnpike road; and they, or any three of them, are authorized to appoint an overseer of said road who shall serve for one year, under the penalty of fifty dollars: and that they, or any three of them, are authorized to apportion the hands who are liable by law to work on roads, to work on said road.*

Com's appoint overseer.
—may apportion hands.

Com's to report to city court

Sec. 2. *And be it further enacted, That when the above road shall be marked out or opened, it shall be the duty of the said commissioners, or any three of them, to report their proceedings to the county court of Mobile county; and that the above road shall afterwards be considered a public highway; and that any person who shall fence up, fell trees, or otherwise obstruct the same, shall be subject to all such fines, forfeitures and penalties, as are made and provided for, by the laws of this state.*

Overseer to warn hands.

Sec. 3. *And be it further enacted, That the said overseer shall warn and call out all persons so apportioned, as is provided by the laws of this State.*

Forfeiture.

Sec. 4. *And be it further enacted, That if any person, after being duly warned as aforesaid, shall neglect or refuse, to appear and work, he shall forfeit and pay to the overseer of said road to which he is apportioned, the sum of one dollar, for every day he shall so refuse or neglect to labor, to be recovered in an action of debt, before any justice*

of the peace of the said county, with costs of suit, and the money when recovered, shall be applied to the repair of said road.

[Approved, Dec. 9, 1822.]

AN ACT

To make Appropriations for the year eighteen hundred and twenty-three.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the following sums of money be, and they are hereby, appropriated to defray the expences of the civil list and other necessary charges of Government, namely: For the pay of the members of the General Assembly, and their expenses at the present session, twenty five thousand dollars; for the payment of the annual salary of the Governor of this state, two thousand dollars; for the contingent fund, to be subject to the orders of the Governor of this state, two thousand dollars; for the payment of the annual salaries of the Judges of the Circuit Courts, seventeen hundred and fifty dollars each, making ten thousand five hundred dollars; for the payment of the annual salaries of the Secretary of State, Comptroller, and Treasurer, one thousand dollars each, making three thousand dollars; for the payment of the annual salary of the Attorney-General, six hundred and fifty dollars; for the payment of the annual salaries of the Circuit Solicitors, two hundred and fifty dollars each, making twelve hundred and fifty dollars; for the payment of the Adjutant-General, one hundred dollars; for the payment of the Quartermaster-General, one hundred dollars; for the payment of the Secretary of the Senate and Clerk of the House of Representatives, each, seven dollars per day; and for the payment of the Assistant Clerks of both branches of the General Assembly each, five dollars per day; for the payment of the door-keepers of the Senate and of the House of Representatives, each, four dollars per day; to be paid out of any money in the Treasury not otherwise appropriated.

Appropriations.

Members.

Gov.
Contingent fund.

Judges.

Executive officers.

Att'y. gen.

Solicitors.

Adj. & Qr.
mast gen.

Officers of
gen. assem.

Sec. 2. *And be it further enacted,* That the Clerk of the House of Representatives be allowed seventy-five dollars for ex-officio services, to be rendered in arranging the public papers and preparing the Journals for the press.

Clk. H. of

R.

Sec. 3. *And be it further enacted,* That two hundred dollars be appropriated as compensation to the Secretary of State, for copying the Laws and Journals of the present session of the General Assembly and preparing them for the press.

Sec'y of
State.

Sec. 4. *And be it further enacted,* That the sum of eighteen hundred dollars be appropriated, for the payment of the salary of the State Printer, also the further sum of forty dollars be appropriated for the purpose of printing and dis-

Pub. prin-
ter.

Militia &
Patrol law
printed; to
be distrib-
uted.

tributing fifteen hundred copies of the Militia and Patrol Laws enforced in eighteen hundred and twenty three; and that the Secretary of State is hereby required to contract for printing and distributing the same; one copy to each Militia Officer in this state, to be left with the clerks the of Circuit Courts in the same way that the acts and journals are to be deposited, and the balance of said copies to be by him kept for further disposition; and also the further sum of two hundred and forty dollars is hereby appropriated to William B. Allen as compensation for printing the bills, &c. done for the General Assembly during the present session.

App. to W.
T. Gamble

Sec. 5. *And be it further enacted,* That the sum of one hundred and fourteen dollars be appropriated to William T. Gamble for the hire of a servant, for wood and articles furnished for the use of both Houses of the General Assembly, during the present session.

Compt'r.

Sec. 6. *And be it further enacted,* That the sum of forty dollars be appropriated for the payment of postage on public letters and packages sent to the Comptroller.

H. Toul-
min.

Sec. 7. *And be it further enacted.* That the sum of fifteen hundred dollars be appropriated towards the payment of Harry Toulmin, as compensation for digesting the laws of this state: *Provided,* that nothing in this act shall be so construed, as to prevent the next legislature from making any additional compensation, that they may deem just and proper.

Printing
Digest.

Sec. 8. *And be it further enacted.* That the sum of eight thousand dollars be appropriated towards defraying the expenses of printing and distributing the Digest, when completed.

Ginn and
Curtis.

Sec. 9. *And be it further enacted,* That the sum of one hundred and eighty-four dollars and seventy-eight cents be appropriated, for the payment of Ginn & Curtis, for stationary and candles furnished both houses of the General Assembly at the present session.

H. W. Tay-
lor.

Sec. 10. *And be it further enacted, by the authority afore-
said,* That the sum of twenty dollars be allowed to H. W. Taylor for his services as Judge Advocate in a Court Martial for the trial of a contested election of a Major-General in the fourth Division of the Militia of this state, to be paid out of any money in the Treasury not otherwise appropriated.

Gov: to
draw on
con. L. fund
for fuel, &c

Sec. 11. *And be it further enacted,* That it shall be lawful for the Governor to pay out of the contingent fund, such sum or sums of money, as may be necessary to defray the expenses incurred in the purchase of fuel and candles, necessary for the use of the different offices belonging to the Executive department of this state.

Sec. 12. *And be it further enacted,* That the sum of sev-

enty-five dollars, be allowed the Secretary of the Senate, for *ex officio* services in arranging the papers of the Senate, and preparing the Journals for the press.

1822.
App. H. 10
Sen. of Sen.

Sec. 13. *And be it further enacted*, That the sum of eighty six dollars and twenty-five cents be, and the same is hereby appropriated to Matthew D. Thomason, door-keeper of the Senate, for certain repairs done to the Senate chamber, including the President's chair, and locks for the tables and doors, candles and candlesticks, &c.

M.D. Thomason.

Sec. 14. *And be it further enacted*, That the sum of one hundred and seventy-nine dollars be, and the same is hereby appropriated to Robert Coyle, pursuant to an act passed at the present session, approved on the twenty-fourth day of December, eighteen hundred and twenty-two.

Rob. Coyle

Sec. 15. *And be it further enacted*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the Comptroller of public accounts, in pursuance of a resolution of the General Assembly, passed and approved on the seventeenth of December, eighteen hundred and twenty-one.

Compt'r.

Sec. 16. *And be it further enacted*, That the sum of forty five dollars be allowed to George V. Dick, for extra services this session, and that the same be paid out of any monies in the treasury, not otherwise appropriated.

G. V. Dick

Sec. 17. *And be it further enacted*, That the sum of twenty-five dollars be appropriated for the pay of John H. Thornton, for taking charge of, and keeping the State House for the last year.

J. H. Thornton.

Sec. 18. *And be it further enacted*, That the sum of twelve dollars and fifty cents be allowed to Matthew D. Thomason for extra services as doorkeeper of this House.

[Approved, Jan. 1, 1823.]

AN ACT

Making Appropriations for the payment of certain claims against the state.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of sixty-five dollars and twenty cents be, and the same is hereby, appropriated to Richard D. Doyle, jailer of the county of Lauderdale, for victualing John Hall and Allen Campbell in the jail of said county, pursuant to an allowance of the circuit court thereof.

R. Doyle.

Sec. 2. *And be it further enacted*, That the sum of fourteen dollars and twenty-five cents be, and the same is hereby, appropriated for the payment of W. R. Colgin, pursuant to an allowance made by the circuit court of Perry county.

W. R. Colgin.

Sec. 3. *And be it further enacted*, That the Comptroller of public accounts, is hereby required to draw warrants on the treasury of the state, in favour of the aforesaid Richard D. Doyle and William R. Colgin, for the sums to them herein respectively appropriated. [Approved, Jan. 1, 1823]

AN ACT

To make Appropriations for certain claims against the state.

App. to D.
Rather.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of one thousand and sixty one dollars and sixty cents be, and the same is hereby, appropriated to the payment of Daniel Rather, jailer of Madison county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

T. H. May

Sec. 2. *And be it further enacted, That the sum of sixty-seven dollars and twenty cents be, and the same is hereby, appropriated to the payment of Thomas H. May, jailer of Limestone county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

John Bush.

Sec. 3. *And be it further enacted, That the sum of fifty-nine dollars and twenty cents be, and the same is hereby, appropriated to the payment of John Bush, sheriff of St. Clair county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

T. A. Reid

Sec. 4. *And be it further enacted, That the sum of twenty-nine dollars and sixty cents be, and the same is hereby, appropriated to the payment of Thaddeus A. Reid, jailer of Jefferson county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

A. Dawdy.

Sec. 5. *And be it further enacted, That the sum of thirty-two dollars be, and the same is hereby, appropriated to the payment of Alfred Dawdy, jailer of Morgan county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

J. Henderson.

Sec. 6. *And be it further enacted, That the sum of thirty-seven dollars and twenty cents be, and the same is hereby appropriated to the payment of John Henderson, jailer of Lawrence county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury, not otherwise appropriated.*

J. Johnson

Sec. 7. *And be it further enacted, That the sum of two hundred and fifty-six dollars and sixty cents be, and the same is hereby appropriated to the payment of James Johnson, late jailer of Mobile county, for keeping certain persons in the jail of said county, during the year eighteen hundred and twenty, to be paid out of any money in the treasury, not otherwise appropriated.*

J. A. Bates

Sec. 8. *And be it further enacted, That the sum of fifty-four dollars and forty-four cents be, and the same is hereby, appropriated to the payment of James A. Bates, sheriff of Greene county, for keeping certain persons in the jail of said county, to be paid out of any money in the treasury not otherwise appropriated.*

Sec. 9. *And be it further enacted, That the sum of ten dollars and forty cents be, and the same is hereby, appropriated to the*

payment of James M'Donald, late jailer of Limestone county, for keeping George Ostean, state prisoner, in the jail of said county, to be paid out of any money in the treasury not otherwise appropriated.

Sec. 10. *And be it further enacted*, That the sum of forty-seven dollars and twenty cents be, and the same is hereby, appropriated to the payment of Thomas J. Stone, jailer of Limestone county, for keeping George Ostean, state prisoner, in the jail of said county, to be paid out of any money in the treasury not otherwise appropriated. T. J. Stone

Sec. 11. *And be it further enacted*, That the sum of twenty dollars be, and the same is hereby, appropriated to the payment of Peter W. Taylor, for his fees as prosecuting attorney on the part of the state, in the trial of two slaves in the circuit court of Lawrence county in July last, to be paid out of any money in the treasury, not otherwise appropriated. P. W. Taylor.

Sec. 12. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby, appropriated to the payment of Jesse Beene for his fee as prosecuting attorney on the part of the state, in the trial of a slave in the county court of Dallas county, on the twentieth day of August, eighteen hundred and nineteen; to be paid out of any money in the treasury, not otherwise appropriated. J. Beene.

Sec. 13. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby, appropriated to the payment of Francis S. Lyon, for two days service as Judge Advocate of a Court Martial held at Mrs. Graves' in Mobile county, on the fourth day of September last, for the investigation of a contested election of Major of the Battalion of Mobile Militia. F. S. Lyon

Sec. 14. *And be it further enacted*, That the sum of seventy dollars be, and the same is hereby, appropriated to the payment of John C. Clopper, coroner of Lawrence county, for holding inquests over sundry persons in said county, for the years eighteen hundred and twenty-one and eighteen hundred and twenty-two, to be paid out of any money in the treasury, not otherwise appropriated. J. C. Clopper.

Sec. 15. *And be it further enacted*, That the sum of one hundred and sixty-seven dollars be, and the same is hereby, appropriated to the payment of Walter R. Ross, sheriff of Montgomery county, for expenses of the said sheriff and his guard conveying the body of George W. Harvey, charged with negro stealing, from the jail of Mobile county to the jail of Montgomery, and from thence to the jail of Autauga county, to be paid out of any money in the treasury, not otherwise appropriated. W. R. Ross.

Sec. 16. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby, appropriated to the payment of Thompson White, coroner of Bibb county, for holding an inquest over a dead body, to be paid out of any money in the treasury, not otherwise appropriated. T. White.

Sec. 17. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby, appropriated to the payment of William M'Carthy, a justice of the peace, for the county of Ay.

Monroe, for holding an inquest over a dead body, to be paid out of any money in the Treasury not otherwise appropriated.

J. H. Gray Sec. 18. *And be it further enacted,* That the sum of eighteen dollars and forty cents be, and the same is hereby, appropriated to the payment of John H. Gray, jailer of Morgan county, for keeping Benj. Deberry and James Robertson, in the jail of said county, and that the same be paid out of any money in the Treasury, not otherwise appropriated.

J. B. Patrick Sec. 19. *And be it further enacted,* That the sum of fifteen dollars be appropriated to John B. Patrick, Deputy Sheriff of Dallas county, for performing the duties of Constable for the Supreme Court, ten days, pursuant to an order of said Court, dated June term, eighteen hundred and twenty-two, out of any money in the Treasury not otherwise appropriated.

J. V. Thomas Sec. 20. *And be it further enacted,* That the sum of fifty dollars be, and the same is hereby appropriated to the payment of James V. Thomas, for prosecuting to conviction in the Circuit Court of Monroe county, James Chance, for horse stealing, to be paid out of any money in the Treasury not otherwise appropriated.

D. Rather Sec. 21. *And be it further enacted,* That Daniel Rather, jailer of Madison county, be allowed thirty dollars and sixty cents, for keeping in jail George Buly, sent from Jackson county, and twenty-eight dollars and eighty cents, for keeping in jail James Read, in Madison county.

W. Y. Glover Sec. 22. *And be it further enacted,* That William Y. Glover, Sheriff of Tuscaloosa county, be allowed the sum of fifty-four dollars, to be paid out of any money in the Treasury, not otherwise appropriated.

Ginn and Curtis Sec. 23. *And be it further enacted,* That the sum of ten dollars and seventy-five cents, be, and the same is hereby, appropriated to the payment of Ginn and Curtis, for stationary furnished the Treasurer's Office, to be paid out of any monies in the Treasury not otherwise appropriated.

D. Rather Sec. 24. *And be it further enacted,* That the sum of one hundred and thirteen dollars and sixty cents, be, and the same is hereby, appropriated to the payment of Daniel Rather, jailer of Madison county, for keeping certain persons in the jail of said county, to be paid out of any money in the Treasury, not otherwise appropriated.

M. Ware Sec. 25. *And be it further enacted,* That the sum of thirty-two dollars and eighty cents, be, and the same is hereby, appropriated to the payment of Merrit Ware, jailer of Tuscaloosa county, for keeping certain persons in the jail of said county, to be paid out of any monies in the Treasury, not otherwise appropriated.

E. Campbell Sec. 26. *And be it further enacted,* That the sum of seventy-three dollars and fifty one cents, be, and the same is hereby, appropriated to the payment of Eugenio Campbell, Tax Collector for the county of Lawrence, for the year eighteen hundred and twenty, for the amount of insolvencies and absconding persons returned by the Commissioners of Roads and Revenue

of said county, to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 27. *And be it further enacted*, That the sum of sixty two dollars and eighty cents, be, and the same is hereby, appropriated to the payment of John Henry, late Sheriff of Bibb county, for provisioning and transporting certain criminals confined in the jail of Bibb county, to be paid out of any money in the Treasury not otherwise appropriated.

J. Henry

Sec. 28. *And be it further enacted*, That the sum of twenty dollars, be, and the same is hereby, appropriated to John H. Thorington, for prosecuting a negro man slave, the property of William Lee, of Dallas county, and also for prosecuting a negro woman slave, the property of David Durden, of Perry county.

J. H. Thorington

Sec. 29. *And be it further enacted*, That the sum of nineteen dollars, be, and the same is hereby, appropriated to Joseph Graham, late Sheriff of Dallas county, for services rendered the Supreme Court of this state, during the June session of eighteen hundred and twenty-two, of that court.

J. Graham

Sec. 30. *And be it further enacted*. That the sum of seventy-four dollars and fifty cents, be, and the same is hereby, appropriated to John B. Norris, the present Sheriff of Dallas county, for room rent, and for services rendered to the Supreme Court of this state, during its session in December, eighteen hundred and twenty-two.

J. B. Norris

Sec. 31. *And be it further enacted*, That the sum of eight hundred dollars be, and the same is hereby, appropriated towards the payment of the Commissioners appointed under the act of the seventeenth December, eighteen hundred and twenty-one, if so much should be necessary, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, that the same shall be reimbursed out of the three per cent. fund, when so much thereof shall be received.

Bond commissioners

Proviso

Sec. 32. *And be it further enacted*, That the sum of one hundred and sixty-seven dollars and twenty cents, be, and the same is hereby, appropriated to the payment of Timothy Merrick, late jailer of Mobile county, for keeping certain prisoners in the jail of said county, during the year of eighteen hundred and twenty, to be paid out of any money in the Treasury, not otherwise appropriated.

T. Merrick

Sec. 33. *And be it further enacted*, That the sum of thirty-two dollars, be, and the same is hereby, appropriated to the payment of James Benham, jailer of Lauderdale county, for keeping certain prisoners in the jail of said county, to be paid out of any monies in the Treasury not otherwise appropriated.

J. Benham

Sec. 34. *And be it further enacted*, That the sum of ten dollars be, and the same is hereby, appropriated to the payment of John P. Cunningham, a justice of the peace, for the county of Lauderdale, for holding an inquest over a dead body, to be paid out of any money in the Treasury, not otherwise appropriated.

J. P. Cunningham

Sec. 35. *And be it further enacted*, That the sum of fifty-

J. Cunningham

eight dollars and forty cents, be, and the same is hereby appropriated to the payment of John Cunningham, jailer of St. Clair county, for keeping certain prisoners in the jail of said county, to be paid out of any money in the Treasury, not otherwise appropriated.

Coroners fees, how paid

Sec. 35. *And be it further enacted*, That from and after the passage of this act, the fees allowed to Coroners for holding inquests, shall be paid out of the County Treasuries.

[Approved, Jan. 1, 1823.]

AN ACT

To appoint Commissioners to lay out a Road therein specified.

Com's appointed Where to commence

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James W. Armstrong, John Rives, and John Armstrong, or a majority of them, be, and they are hereby appointed Commissioners to mark out a way for a road, to commence at the town of Montgomery, in the county of Montgomery, to run from thence to the falls of the Conecuh River, in the best, nearest, and most direct route the nature of the country will admit.

Com's oath

Sec. 2. *And be it further enacted* That before the said Commissioners enter upon the discharge of the duties herein assigned them, they shall take and subscribe to the following oath, to wit: "I, ———, do solemnly swear, that I will truly and faithfully, to the best of my judgment, view, mark out, and report the best and most direct way, for a road to lead from the town of Montgomery, in the county of Montgomery, to the falls of the Conecuh River—So help me God"—which oath shall be certified and forwarded by the judge or the justice of the Peace taking the same, to the Clerk of the Circuit Court of the County in which the said oath may be taken; and it shall be the duty of said Commissioners to make out a report, after completing the said view, and forward the same to the Governor for his approval, with observations respecting the water courses and other obstructions to be encountered in opening the same.

—make report

Sec. 3. *And be it further enacted*, That the said Commissioners shall receive as compensation for their services in viewing and reporting as aforesaid, two dollars per day, each.

Compensation

Vacancies how filled

Sec. 4. *And be it further enacted*, That if any vacancy shall occur by death, or refusal, of any one or more of said Commissioners, it shall be the duty of the Governor to fill such vacancies: *Provided*, That the aforesaid Commissioners shall receive from the state, no compensation for their services.

Brevins.

[Approved, Dec. 27, 1822.]

AN ACT relative to Turnpike Roads.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the commissioners of the several Turnpike Roads in this state shall not report any turnpike road in order, until the proprietors of said road or roads, shall have complied with the provisions of the acts authorizing said turnpike road or roads.

[Approved, Dec. 31, 1822.]

AN ACT

To provide for leasing the Sixteenth Sections, and for the application of the funds arising therefrom to the purposes of Education.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the court composed of the Judge of the County Court and the Commissioners of the Revenue and Roads, of each and every county of this State, or the court which is or may be authorized to levy the county tax, shall, at their first session held after the first day of January next, appoint three freeholders or householders in each township in the county, (where the population of the township will admit thereof,) who shall be called school commissioners, each of whom, while he continues to reside in the township, shall continue in office for four years from the time of his appointment, and until his successors shall be duly qualified, according to the provisions of this act.

County Court to appoint com's

Sec. 2. *And be it further enacted,* That where a county line divides a township, the school commissioners thereof shall be appointed by the court aforesaid of the county containing the greater part thereof; and shall cause their reports and accounts to be rendered to such court, and shall in all respects, as to the objects of this law, be as completely within the jurisdiction and control of such court as if the whole township was within such county.

Township contained in two counties, coms. how appointed

Sec. 3. *And be it further enacted,* That each of the school commissioners, appointed in pursuance of this act, before entering on the duties of his office and within one month after his appointment, shall, before some Judge or Justice of the Peace of this state, take and subscribe the following oath, and cause the same to be delivered to the clerk of the court aforesaid; whose duty it shall be to file and preserve the same in his office, to wit: I do solemnly swear (or affirm, as the case may be,) that I will to the best of my skill and ability and without partiality or favour, discharge the duties of school commissioner of township in range so long as I continue in said office—so help me God.

Com's to take oath

Sec. 4. *And be it further enacted,* That whenever a vacancy shall occur by the death, removal, or refusal to act, or disqualification of any of said commissioners from any other cause, the court aforesaid, so soon as the same shall be known to them, shall proceed to fill such vacancy; and in like manner whenever said court shall deem it expedient in and for any township in which such appointments shall not have been made, they shall proceed to make such; and each commissioner so appointed shall, under the restrictions aforesaid, hold his office for four years from the time of his appointment and until his successor shall be duly qualified.

Vacancies filled by c'ty court

Sec. 5. *And be it further enacted,* That in all the official proceedings and contracts of said school commissioners, the acts of a majority, or of the one in office, if but one be in office, shall be in all respects as valid as if done by all three.

Acts of majority valid

Com's to
lay out sec.
in lots.

Lots re-
served for
timber.

Lots re-
served for
benefit of
lessees, &c.

Term of
lease.

Sec. 6. And be it further enacted, That the school commissioners of each township, as soon as practicable, shall, with the assistance of a skillful surveyor to be by them employed, and who shall act under their directions and instructions, proceed to lay out the section numbered sixteen, or such part thereof as they may deem expedient, into lots containing not less than forty nor more than one hundred and sixty acres, and make two plats of such survey: said commissioners shall select and mark on said plats such lot or lots as they may think proper to reserve from cultivation, for the benefit of the timber thereon; and said commissioners shall on said plats distinguish each lot by a number marked thereon and retain one of said plats, and cause the other to be filed in the office of the clerk of the court aforesaid, for the inspection of all persons concerned,

Sec. 7. And be it further enacted, That the lot or lots so reserved for the benefit of the timber, shall, until otherwise directed by law, be for the common benefit of the lessees or tenants in said sixteenth section; but the timber thereon, or any part thereof, shall not be cut down, so long as there shall be sufficient on the other lots of the section respectively, of which matter said school commissioners shall determine, and may from time to time, by order, (to be recorded and reported with their other proceedings as hereinafter directed,) authorize the respective tenants on said section to cut down and remove timber from the lots reserved, in such quantities and for such person, towards the support of their respective tenements as said commissioners may deem consistent with the interest of their township.

Sec. 8. And be it further enacted, That the school commissioners aforesaid, shall, from time to time, at or before the expiration of the leases on said sections now in force, proceed to lease the several lots so laid out, except those reserved as aforesaid, for timber: each lease shall be for a term not exceeding ten years, at the discretion of the commissioners, commencing on the first day of January: the commissioners shall require and stipulate for such improvements on the tenement or lot, as they may deem expedient, and may, in any case when they may think it necessary require security for all rents and improvements; a rent shall be reserved to be paid annually on the first day of January, but where the value of the improvements to be made on the lot, in the opinion of the commissioners shall so require, they may stipulate that the annual rent shall commence and be payable at a certain period after the commencement of the lease: in all cases where improvements are required to be made, and in all other leases in which said commissioners deem it expedient, bond in such penalty as they shall prescribe, and such security as they may approve, shall be given and made payable to said commissioners and their successors, for the use of the township: the leases shall be offered at some place in the township, at public auction, to the highest bidder; at least six weeks previous notice of the time and place thereof shall be given,

by advertisement put up at least at four public places in the township, and at the door of the court house: and if the commissioners deem it expedient, in some neighbouring newspaper: by the terms of lease the lessees shall be bound to treat the land, houses and improvements, in a careful and husband-like manner; to commit no waste, and shall be under such further restrictions as to cutting timber, taking away stone, or in any other respect injuring the lot so leased, or the lot or lots reserved for timber as aforesaid, as said trustees may deem expedient. And if any such lessee, or person or persons claiming under him, shall commit any waste on the lot so leased, or the lot reserved for timber, or fail to pay said annual rent, such lease shall be forfeited if the commissioners so require: *Provided*, That the commissioners for the sixteenth section in township three, range eleven, west of the meridian of Huntaville, be authorized to lease said section, or any part thereof, for any number of years.

Leases to commit no waste.

Provided.

Sec. 9. *And be it further enacted*, That the school commissioners of each township who shall first act under authority of this law, within one month after their appointment, and the school commissioners of each township, from time to time, as they may deem it expedient, shall give ten days notice by advertisement at three or more public places in the township, requiring all parents and guardians residing therein, to make known to them or one of them, the number of pupils which such parents or guardians respectively wish to enter at school; and said commissioners shall moreover, collect such information from such other sources as may be in their power: they shall then proceed to divide the township into convenient school districts, so that each district shall contain not more than forty, nor less than thirty scholars, or as near that number as may be practicable.

Notice to parents.

Townships divided into school districts.

Sec. 10. *And be it further enacted*, That on application to the school commissioners by any three or more freeholders or householders residing in any such school district, they shall issue their warrants directed to one of the persons so applying, to warn all the inhabitants of each district qualified to vote at general elections under the constitution of this state, to meet at a certain time and place in the township named in said warrant, to vote for three trustees of said school district; notice of the time, place and object of such election shall be given by advertisement, which the commissioners shall cause to be set up at two or more public places in the district, at least fifteen days before such election, and notice, so far as the same can conveniently be done, shall also be given by the person to whom the warrant aforesaid shall be directed, to the several voters of each school district, personally, or by leaving the same in writing at their respective dwellings, the commissioners shall appoint two judges and a clerk of said election, who shall each before some judge or justice of the peace, swear (or affirm) that he will faithfully and impartially execute the duties of said appointment: the clerk shall keep a fair list of all the votes

Trustees elected.

Elections how conducted.

Return of
to whom
made.

Term of
office.

Vacancies
how filled.

Com's &
Trustees
bodies cor-
porate.

Acts of
majority
declared
valid.

com's may
appoint
clerk and
treasurer.

Duties of
clerk.

taken; the list and return of the election shall be subscribed by said judges and clerk, and transmitted to the commissioners of the township: who shall decide in cases of contested elections; the trustees so elected shall continue in office for two years from the time of such election, and until their successors shall be elected: *Provided*, they shall during that period, continue to reside in the district. Vacancies which may occur by removal, expiration of the term of office, or other cause, shall in like manner be filled by elections, notice thereof to be given, and to be conducted as aforesaid; and in all official proceedings and contracts of the trustees of a district, the acts of a majority, and if but one be in office, the acts of that one shall be in all respects as valid as if done by all the three.

Sec. 11. *And be it further enacted*, That the said school commissioners of each town-ship, and said trustees of each school district, for the time being, and their successors respectively during their continuance in office, shall be and are hereby constituted bodies corporate, and by said corporate name may sue and be sued; and said trustees shall have power, to hold in trust for the purposes of education, real estate in their respective townships, not exceeding two acres, and personal estate not exceeding the value of five hundred dollars, to them and their successors in office, forever: and in all cases where it shall be necessary for the school commissioners of a town-ship or trustees of a school district, to contract, appear, or act in their corporate character, any deed, warrant or other writing executed by them, or a majority of those acting, or by any one acting solely under the provisions of this act, shall be in all respects as valid and effectual in law as if the same were executed under their common seal as a corporation.

Sec. 12. *And be it further enacted*, That the school commissioners shall have power to appoint and discharge at pleasure a clerk and treasurer. The clerk shall record the proceedings of the commissioners, file and preserve such papers as they may direct, and furnish the treasurer from time to time with a statement of the debts and monies which such treasurer may be authorized to receive. The clerk shall, moreover, on the first day of the first session of the court aforesaid, held after the first day of January in each year, transmit to said court a statement of the proceedings of the commissioners for the twelve months next preceding, and of the school lands and funds of the township, setting forth the lots leased, or to be leased, dates of the leases, name of the lessees or tenants in possession, rates of rent, amount thereof paid, or remaining due and unpaid, and the steps taken for the recovery of the same, amount of debts due to the township, amount of funds in hand, sum allotted to each school district, and amount thereof paid out by the treasurer, name of the teachers for the last twelve months in the different districts, and terms of his engagement, number of pupils at school in each district, number paid for out of the school funds, sums appropriated for the purchase of ground, building school houses, or for other objects

connected with the schools: on failure of any such township clerk to transmit a statement as aforesaid, said courts, respectively, are hereby empowered to compel such clerk by process of attachment or otherwise, to bring before them the above described records. The treasurer shall give bond in such penalty as the commissioners shall prescribe, with approved security, payable to them and their successors in office, conditioned that he shall faithfully perform the duties of his appointment, account for and pay over according to law and the regulations and orders of said commissioners and trustees, respectively, all monies which he shall receive by virtue of said appointment: — of Treasurer. it shall be the duty of such treasurer to receive all monies which may become due for rents, or in any other way accruing to the school fund of the township or of any school district therein; to keep fair and regular accounts, and on or before the first day of January in each year, to deliver to said commissioners of the township, or their clerk, a statement thereof for the twelve months next preceding, showing the several sums received and paid out, vouchers therefor, the debts remaining due and unpaid for rent or otherwise, and the balance remaining in his hands; which balance he shall at the same time produce before said commissioners.

Sec. 13. *And be it further enacted,* That the commissioners of each township, shall, annually, at a meeting by one of them to be called for that purpose, apportion the funds then in hand among the several school districts therein, in proportion to their respective numbers of pupils entered to school for the preceding year as aforesaid, and their clerk shall forthwith furnish the treasurer with a copy of such order of apportionment. Com's may apportion funds among districts.

Sec. 14. *And be it further enacted,* That the said trustees of each school district, shall have power to employ a teacher or teachers for the same, at an annual salary or at a stated price for each scholar, or on such other terms as they may deem expedient; to cause a school house to be built and kept in repair; to purchase books and stationery for the use of the school; and make regulations for the use and preservation of the same, and for the admission of pupils into the school—to designate the pupils who shall be admitted to the school without tuition fees. No teacher shall be employed by any of the said trustees, until he shall have been duly examined by the commissioners of the township, and shall produce their certificate of his qualification, and that they are satisfied he is of a moral character. The clerk of the commissioners shall keep a list of the persons to whom, and dates when, such certificates are given. The trustees shall have power by order or warrant on the treasurer of the township, to direct such monies as may be required for any of the purposes as aforesaid, to be paid out of said school fund of the district. Trustees to employ teachers.

Sec. 15. *And be it further enacted,* That should the trustees of any school district raise monies in aid of their school funds, by subscription or otherwise, and direct the same to be paid to Teacher to be examined by com's. Contributions paid to treasurer.

the township treasurer, he shall receive and keep an account thereof, report the amount to the township clerk, appropriate the same as the said trustees may direct, and he and his securities shall be liable for all defaults as to the same, as fully, as if it were set forth in his bond aforesaid.

Clerks to
transmit
abstracts to
Gen. as-
sembly.

Sec. 16. *And be it further enacted*, That the clerk of each of the courts aforesaid shall transmit to the General Assembly within the ten first days of each stated annual session, an abstract of the last annual statements made to said court pursuant to the twelfth section of this act, setting forth the amount of rents of school lands in each township; amount paid; amount due and unpaid; number of school districts; amount of funds allotted to each; amount of funds raised by subscription or otherwise; amount of compensation paid to each teacher; number of pupils in each particular district, and what number are educated gratis: and on producing to said court the receipt of the clerk of the House of Representatives for such statement, he shall be allowed by the court aforesaid for said service, a sum not exceeding five dollars, to be paid out of the county treasury.

Repeal.

Former agents to
pay over
to com's.

Sec. 17. *And be it further enacted*, That so much of the act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of schools within each township in this state for a seminary of learning and for other purposes, and of all other acts contrary to the provisions of this act, is hereby repealed: and the agents designated by said act shall pay over and deliver to said commissioners of their respective townships, so soon as they shall be qualified to office, all monies, obligations, evidences of leases and other contracts, and accounts remaining in their custody, respectively, by virtue of said recited act. Said commissioners, shall cause a statement thereof to be recorded, and shall deposite said monies with their treasurer. All debts due and accruing to said agents of any township, and all actions, rights and causes of actions heretofore vested in them, shall be and are hereby vested in the commissioners of such township; and suits therefor may be instituted or prosecuted in the names of said agents or of said commissioners, as they may deem expedient: and the contracts heretofore made and debts contracted by said agents, under the authority of the act aforesaid, shall be as binding on such commissioners as on said agents; and said commissioners may order the same to be paid out of the general school fund of the township.

[Approved, Jan. 1, 1823.]

AN ACT

To refund James Nixon a sum of money, improperly assessed and collected.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the treasurer of this State, is hereby directed to pay to James Nixon, fifteen dollars, out of any money in the treasury, not otherwise appropriated.

[Approved, Dec. 31, 1822.]

AN ACT

To amend the act passed the 17th December, 1821, entitled an act to appoint Commissioners to lay out certain Roads therein specified, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, so much of the road laid out by the commissioners appointed by an act entitled an act to appoint commissioners to lay out certain roads therein specified, and for other purposes, passed December seventeenth, eighteen hundred and twenty-one; from the town of Tuscaloosa to Claiborne, Pensacola and Blakely, commencing at or near John Talbird's in Monroe county, to the field of Josiah Thompson in said county, be, and the same is hereby, discontinued.

Certain
road dis-
continued.

Sec. 2. *And be it further enacted,* That the route of said road so discontinued, shall be changed and run as follows, to wit: leaving the same at or near John Talbird's, and thence running a direct line, as nearly as may be, to the house of Josiah Thompson; thence along the St. Stephens road as it formerly run, to the upper end of a field of the said Josiah Thompson, where the road hereby authorized and required to be laid out, reenters the route of the said road reported by the commissioners mentioned in the forgoing section.

Route of
road.

[Approved, Dec. 31, 1822.]

AN ACT

Authorizing Elisha Thomas, Davis Gurley and their associates, to Turnpike a road therein designated

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Elisha Thomas, Davis Gurley and their associates be, and they are hereby, authorized to turnpike a road twenty feet wide, commencing near the point at which the Military road strikes the mountain in Franklin county, thence the nearest and best way to the Buttahatche river, crossing that stream at the most suitable point within the south west quarter of section fourteen, township eleven, range fourteen, west of Huntsville; thence the nearest and best way to the state line in a direction to Columbus, on the Tombekbe river; due regard being always had to goodness of ground, the accommodation of travellers, and the constant and certain passage of the grand southern mail.

Route of
road.

Sec. 2. *And be it further enacted,* That the said Elisha Thomas, Davis Gurley and their associates, are hereby allowed to make two divisions of said road; the first of which shall commence with the road, and terminate at or near William H. Ragdale's in the county of Marion, say thirty-one miles; the second division shall commence at the point

Road divid-
ed into two
divisions

Two gates may be erected. last mentioned and terminate at the state line in the county of Pickens, making eighty miles: and the said Thomas and Gurley and their associates, are authorized to erect two gates on said road, the one at Big-bear creek, in the county of Franklin, and the other at Beaver creek, in Marion county, and they are allowed to receive the same tolls, at each gate.

Commissioners. Sec. 3. *And be it further enacted.* That Anthony Winston, Francis Bullock, and Claiborne Williams, be, and they are hereby, appointed commissioners for the county of Franklin, and George White and Francis Shoemaker are hereby appointed commissioners for the counties of Marion and Pickens; whose duty it shall be carefully to examine Their duty said road from end to end, within their respective appointments, three times within each and every year, provided such commissioners shall deem such review necessary, and report the actual condition of the road, to their respective county courts; which courts shall have power to fill all vacancies which may occur in this commission; and the person or persons so appointed shall be competent to perform Vacancies how filled. all the duties by this act intended or required.

Width of road to be cleared of grubs, &c. Sec. 4. *And be it further enacted,* That the road contemplated by this act, shall be eighteen feet wide, cleared of every obstruction, twelve feet of which, in the straight general direction of the road, shall be cleared of stumps and grubs either taken up by the roots or leveled with the ground: the sloping ground and banks of water courses shall be so worked on as to ensure the safe and easy passage of horsemen, and carriages of every description; all marshes, swamps, and creeks, when necessary, shall be crosswayed or bridged with good and durable timbers, put together in a substantial and workmanlike manner, with ditches on each side of crossways whenever necessary: the crossways on highland marshes shall be twelve feet wide, and those on swamps and the bridges over creeks, shall be fourteen feet wide.

Commissioners. Sec. 5. *And be it further enacted,* That when the said Thomas and Gurley and their associates, shall have completed the first division in said road, they are authorized to call on the commissioners of Franklin county, who shall attend and review said division, and report its condition to the court: if the report shall recommend the erection of a gate, the Judge of said court shall cause an order to be entered of record, permitting a gate to be set up at Big-bear creek; and the said clerk shall deliver to the said Thomas and Gurley and their associates, an official certified copy thereof, which shall be a general authority for the said persons and their associates to receive the following tolls: for

each wagon and team, seventy-five cents; for each four wheel pleasure carriage, seventy-five cents; for each two wheel pleasure carriage, fifty cents; for each carry-all or dearborne, thirty-seven and a half cents; for each cart, twenty-five cents; for man and horse, twelve and a half cents; for each led or loose horse, six and one-fourth cents; for each head of cattle, four cents; for each head of sheep, goats, and hogs, two cents: *Provided*, that nothing in this act contained, shall authorize the said company, to receive toll from the carriers of the United States' mails, or from persons bearing expresses, to or from the troops or officers of the United States; neither shall tolls be received from the officers, troops, or expresses of any of the other states in times of war: *And provided*, all persons travelling said road on foot, shall at all times pass said road and turnpike free of toll.

Rates of toll.

Proviso.
Certain persons exempted from paying toll.

Sec. 6. *And be it further enacted*, That when the said Thomas and Gurley and their associates, shall have completed the second division of said road, they are hereby authorized to call on the commissioners for Marion county, who shall forthwith proceed to review said division; and if found in the condition required by this act, they shall so report to the Judge of the County Court for said county, who shall cause an order to be entered of record authorizing the said persons to put up a toll gate at Beaver creek, in the county of Marion, and the clerk of said court shall furnish the said persons with an official copy thereof, which order shall authorize the said Thomas and Gurley and their associates, to receive the same tolls at this gate as that at Big-bear creek; and the said persons shall pay to the commissioners on each review, three dollars per day.

Com'rs to receive & report the second division of road.

Toll gate may be erected.

Sec. 7. *And be it further enacted*, That the said proprietors shall have the exclusive privilege, of keeping up the said turnpike road, with the tolls, and under the particular conditions as set forth in this act, for the term of fifteen years, commencing on the first day of January next.

Right to continue 15 years.

Sec. 8. *And be it further enacted*, That whenever it shall become necessary for the road designated in this act, to touch the Military road, it shall become a part of the road contemplated in this act, and in every instance the goodness of ground, and the most convenient and cheapest accommodations for travellers, and the safe, easy, and constant passage of the United States' grand southern mail, shall govern the passage and direction of this road; safely to perfect this object. Andrew Mattox, Hiram Roberson, and William Simpson, a majority of whom shall form a board, be, and they are hereby, appointed commissioners, whose duty it shall be, carefully to examine the ground upon

Military road may be part of this road.

Com'rs appointed to mark route of road.

To report
to county
court.

which the road shall pass, (governed always by the precise principles as laid down in the preceding part of this section,) mark and report the same from end to end, to the County Court of Marion, there to be entered of record; which road so reviewed, marked and reported, shall and is hereby declared to be a permanent public highway; and the commissioners named in this section, shall before entering on the duties assigned them, take and subscribe the following oath before any justice of the peace, who shall deliver the same to the clerk of the County Court of Marion, to be filed in his office: "I do solemnly swear, that I will carefully and impartially examine, mark and report, the roads designated in this act, strictly conforming to, and fulfilling the requisitions and principles as set forth in the eighth section thereof—so help me God."

To take
oath.

Persons
sustaining
damage to
be remun-
erated.
Proviso

Sec. 9. *And be it further enacted*, That the said Thomas and Gurley and their associates, shall not be authorized to extend their road through the lands of any person or persons, without making just remuneration, as required by the existing laws: *Provided always*, that should the said Thomas and Gurley and their associates, or any person or persons for them, receive a greater toll than is allowed in this act. (except a few cents sometimes, unavoidable in change.) the person offending, or the said Thomas and Gurley and their associates, shall forfeit and pay five dollars for every offence, recoverable before any justice of the peace; which shall go to the informer.

Taking too
much toll
—forfeit-
ure.

Persons e-
vading
payment of
toll—for-
feiture.

Sec. 10. *And be it further enacted*, That if any person or persons shall attempt to evade the payment of any tolls allowed by this act, by passing through the gate or gates authorized to be set up, arbitrarily, or having passed, refuse or neglect to pay, or pass round said gate or gates, such person or persons so offending shall pay to the said proprietors or their agent, the sum of five dollars for every such offence, recoverable before any justice of the peace in this state.

Judge of
court to
order re-
view of
road in
certain ca-
ses.

Sec. 11. *And be it further enacted*, That whenever the Judge of the County Courts for Marion or Franklin, shall be informed in direct terms by any justice of the peace, or by one of the commissioners for either of the counties, that any part of the road is out of repair, such Judge shall forthwith notify the proprietors, their agent or agents of this fact, and shall require them without delay to repair the same as directed by this law; and on failure to do so, in a reasonable time, such Judge shall order a review of the breach alleged by the commissioners of the county where it may have occurred, and should the breach be found actually to exist, the commissioners shall open the gate or gates as the case may

require, and report accordingly to the Judge of their County Courts; and they shall receive three dollars each per day, for this service; and should the proprietors or their agents receive any toll before the road shall again be repaired, and received by the court as heretofore directed, they shall forfeit and pay to any person suing for the same, five dollars for every offence.

Sec. 12. *And be it further enacted*, That the said proprietors are required to cause the road to be worked on, in its whole extent, and put in a safe passable condition, for wagons, carriages and horsemen; this being done and reported by the commissioners to the Judge, an order may issue from such court for the erection of gates at the points herein before stipulated, authorizing the proprietors to receive the one-half or two-thirds of the tolls by this act allowed, at the discretion of the court.

Road to be
put in good
condition

Sec. 13. *And be it further enacted*, That the whole road shall be put in the repair by this act required, within three years from the first day of January next; if not, all the rights herein vested in the proprietors shall be absolutely forfeited: and should the proprietors for six months at any one time refuse or neglect to repair the road, when the gate or gates shall have been opened by the commissioners under the direction of the court, all their rights so far as neglected shall be forfeited.

Time al-
lowed for
putting
road in re-
pair.

Sec. 14. *And be it further enacted*, That the said Thomas and Gurley and their associates, shall not be held bound to bridge or ferry Big-bear creek, or the river Buttahatche: but the commissioners named for the purpose of reviewing the ground upon which this road shall pass, shall examine those waters; and should a majority of them be of opinion that it be necessary to bridge or ferry either, or both of said streams, they shall so certify to the Judge of the County Court for Marion, who shall fix of record the tolls permitted to be received by the undertaker at each or either place; and the said Judge shall bind the person or persons so undertaking, in bond and good security, as is by law now required in such cases.

Big-bear
creek and
Buttahatche—toll
bridge
may be e-
rected o-
ver.

Sec. 15. *And be it further enacted*, That the County Court of Marion shall have power to fill all vacancies which may occur in the board of commissioners appointed by the eighth section of this act; which commissioners shall be paid by the proprietors of the road herein contemplated, three dollars per day, whilst in service: *Provided always*, that the Military road within this state, shall not be obstructed in any manner whatever.

Vacancies
may be fil-
led by c'ty
court.

Provided

Sec. 16. *And be it further enacted*, That if the said road shall not be put in the repair as required by this act within

Time al-
lowed for

putting
road in re-
pair.

three years after the passage thereof, the said Thomas and Gurley shall forfeit all the benefits and privileges granted to them by this act.

Certain
persons
exempted
from pay-
ing toll, &c.

Sec. 17. *And be it further enacted*, That nothing in this act shall be so construed, as to authorize said Thomas and Gurley, and their associates, to receive any toll from any person going to or returning from mill or preaching, or to change the road from crossing Little-bear creek, from where it now crosses the same. [Approved, Dec. 30, 1822.]

AN ACT

To amend an act entitled, an act appointing Commissioners to lay out a road on or near the dividing line between the counties of Madison and Limestone, passed at Cahawba the 30th of November, 1820.

Road to be
opened
from
Crabb's
ferry to big
prairie.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Skidmore be, and he is hereby, authorized to cut out and open at his own expense, so much of said road established and marked out by virtue of an act passed at Cahawba, on the thirtieth of November, eighteen hundred and twenty, as leads from Crabb's ferry to the county line between Madison and Limestone counties, and with the same, north to the Big-prairie; and that so much of the above recited act as requires the County Courts of Madison and Limestone counties to appoint overseers, be, and the same is hereby, repealed.

Repeal.

Penalty
for selling
timber, &c.

Sec. 2. *And be it further enacted*, That should any person by selling timber, or any other means, stop the free passage of said road, they shall for every such offence, forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace having cognizance of the same.

[Approved, Dec. 31, 1822.]

AN ACT

For the regulation of assessors and tax collectors, so far as relates to the payment of money.

Collectors
not paying
over coun-
ty taxes—
how pro-
ceeded a-
gainst.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if any collector of taxes in this State, shall fail to collect and pay over the county tax within the time prescribed by law, it shall be the duty of the Judge of the county court to hold a special court to try such delinquent collector; and if it shall appear, that he has so failed to collect or to pay over such county tax, it shall be the duty of the Judge, on motion of the county treasurer, to enter up judgment against such collector and his security or securities in office, for the amount of said county tax so due and unpaid, together with fifteen per centum as damages on the amount: *Provided* however, that ten days notice, at least, shall be given to such delinquent collector and his security or securities.

Proviso.

[Approved, Dec. 31, 1822.]

AN ACT, to establish a certain Road therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a Road leading from the east end of Broadstreet in the town of Tuscaloosa, beginning at the centre of the said street and running on a direct line to a cross fence, the dividing line between the Widow Mitchell's and Thomas McGehee's; thence on a direct line to Richard Smith's on the present Road leading from Tuscaloosa to Jonesborough, in Jones's Valley, is hereby established a public highway.

From
broad str't
in Tuska-
loosa to-
ward
Jonesboro'
declared
highway.

Sec. 2. *And be it further enacted,* That the Judge of the County Court and commissioners of the revenue for the county of Tuscaloosa, shall have the power and jurisdiction over the said road, as in other cases.

County
court to
have juris-
diction.

Sec. 3. *And be it further enacted,* That this Act shall not deprive any person through whose land this road may pass of any right which they heretofore possessed: *Provided,* said road shall be made sixty-six feet wide.

Persons
not depriv-
ed of rights
Proviso,

Sec. 4. *And be it further enacted,* That the aforesaid road shall be laid out sixty-six feet wide from the place of beginning until it passes through the Seminary land, after which it shall be of the same width and otherwise, as other public roads.

Road to
be 66 feet
wide.

[Approved, Dec. 30, 1822.]

AN ACT

Declaring certain roads therein named, public roads until otherwise directed by law.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the old road leading from Cahawba to Canton, be and is hereby established a highway, until otherwise directed by law.

From Ca-
hawba to
Canton.

Sec. 2. *And be it further enacted,* That the new road laid out by the commissioners of Dallas and Wilcox be established a highway, until otherwise directed by law; and that the commissioners of Wilcox County Court be authorized and required to apportion all the hands liable to work on said roads within said county, and assign to each of the said roads or that part of them which run into Wilcox county, a proportionate part of the hands liable as aforesaid to work thereon, agreeable to the necessary labour which the said roads may require to keep them in repair.

Laid out
by com's of
D's & W's
Hands ap-
portioned.

Sec. 3. *And be it further enacted,* That the road leading from Canton to Pursley Creek, as opened by John H. McConnell, be, and is hereby established a public road and that all the hands liable to work on roads who may live between Pursley Creek and a line drawn due west from Canton to the Alabama river, and between the river and the said road, be apportioned and compelled to work on the said road, any law to the contrary notwithstanding.

From Can-
ton to purs-
ley creek.

[Approved, Dec. 24, 1822.]

AN ACT

To extend the time of payment, and secure a certain sum of money, due to this State, from John M. Taylor.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts be, and he is hereby, authorized to make arrangements with John M. Taylor, to secure the payment of the balance due from him to this State as tax Collector for Madison County, for the year eighteen hundred and eighteen, and report the same to the next session of the Legislature.

Comp. to
make ar-
rangement
to secure
debt.

Fees trans-
ferred.

Sec. 2. *And be it further enacted,* That the Comptroller is hereby authorized to accept, towards the discharge of said debt, and on such terms as he may think to the interest of the State, a transfer (to himself or to the treasurer for the benefit of the State,) of all the fees remaining due to said Taylor, as clerk of the supreme court; and that all proceedings against said Taylor, be suspended and postponed, until the day of next, if said Taylor by arrangements with the Comptroller on or before the day of next, shall give security approved by said Comptroller, to transfer to the state stock in some bank of this state to the amount of five hundred dollars annually, or to pay five hundred dollars into the treasury of this state, annually, until the balance due from said Taylor, as aforesaid, shall be discharged: the first of which annual payments or transfers shall be secured, to be made during the next year: *Provided,* nothing in this act contained, shall authorize the suspension of any legal proceedings that may have been commenced, against the said John M. Taylor, until the said John M. Taylor, has given the security contemplated by this act. [Approved, Jan. 1, 1823.]

Proviso.

AN ACT

For the relief of Edmund Freeman, late tax collector of Baldwin County.

Preamble.

Whereas, it appears to this General Assembly, that the said Freeman, collector of taxes for Baldwin county, in eighteen hundred and twenty-one, by the death of the clerk, did not receive the tax list in time to collect and return the amount of taxes; and whereas it appears, that judgment by default was obtained against him and security, in the Dallas County Court at June term last; therefore,

Released
from pay't
of dama-
ges.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Freeman, be, and he hereby is released from the payment of fifteen per cent. damages, and the interest awarded against him in the judgment aforesaid: and the Comptroller is hereby authorized, to allow said Freeman the amount of insolvencies allowed by the County Court of Baldwin County, and shall cause the sums hereby releas-

ed and allowed, to be deducted from the amount of the execution issued on said judgment: *Provided*, that this act shall in no wise affect the validity of said judgment, or operate to stay any proceedings thereon.

Proviso.

[Approved, Jan. 1, 1823.]

AN ACT

To authorize the Treasurer of this State, to receive a sum of money therein mentioned.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the treasurer of this state be, and he is hereby, authorized to receive of the tax collector of Jackson county in eighteen hundred and twenty-two, the sum of sixty-five dollars, in the bills of the Planters' and Merchants' Bank of Huntsville, which was collected by the clerk of the county court of said county for tavern licences, issued in eighteen hundred and twenty-one. [Approved, Dec. 31, 1822.]

AN ACT

For the relief of the tax collectors of the counties of Mobile and Franklin.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said collectors be allowed, until the first day of April next, to make their collections and pay the same into the public treasury, on their entering into bond with sufficient security, to be approved as in the case of an original bond, for the faithful discharge of their duty as collectors.

Time extended on entering into bond.

Sec. 2. *And be it further enacted*, That the representatives of Zachariah Davis, deceased, collector of the county of Franklin, for the year eighteen hundred and twenty-two, be allowed until the first day of April next, to pay into the treasury of this state any part of the revenue of this state, collected by said Davis, in his lifetime, in said county, and unpaid by him at the time of his death; and that it shall be the duty of the collector who may be appointed to collect the revenue of this state for the year eighteen hundred and twenty-three, in the aforesaid county, to collect any part of the revenue due from the said county, to this state, for the year eighteen hundred and twenty-two, which has not been received by the late collector.

Relief to collector of Franklin.

Sec. 3. *And be it further enacted*, That Charles Pearson, tax collector of Lawrence county, for the year eighteen hundred and twenty-two, shall be allowed six months from the passage of this act, for the purpose of completing his collections of taxes for the year aforesaid, if there should remain any yet due and unsettled: *Provided*, that nothing in this act shall be so construed, as to exempt the said

— Law-rence.

Charles Pearson from being moved against, by the Comptroller of public accounts; *And provided further*, that the said Charles Pearson shall, before he becomes entitled to the benefit of this act, enter into a new bond with security, conditioned as his first bond was.

[Approved, Dec, 14, 1822.]

AN ACT

To establish a Public Road from Ditto's Landing to Marston Mead's in Blount County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That a public road leading from Ditto's landing on the Tennessee river, by the nearest and best route to Marston Mead's in Blount county be, and the same is hereby, established.

Sec. 2. *And be it further enacted*, That Tobias Dearick, George D. Staton, and their associates be, and they are hereby, authorized and empowered to lay out and open said road by the most eligible route which they have or hereafter may discover.

Sec. 3. *And be it further enacted*, That the said Tobias Dearick and his associates be, and they are hereby, authorized, so soon as they shall have laid out the said road, to erect one or more turnpike gates thereon, and that the said Tobias Dearick and his associates may demand and receive of and from each and every person who shall or may travel on said road, and pass through the said gate or gates, at each gate, (if but one): For every four wheel carriage, seventy-five cents; for every two wheel carriage, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every horse, or mule, six and a quarter cents; for every head of cattle, four cents; for every head of sheep, hogs or goats, two cents: *Provided*, that nothing in this act shall be so construed as to authorize the said Tobias Dearick, George D. Staton and their associates, to erect a turnpike gate or gates on said roads, until the same shall be cut out, from fifteen to twenty feet wide, twelve feet of which shall be grubbed; and all banks of creeks, and hills, put in such order that loaded wagons can pass with convenience.

Sec. 4. *And be it further enacted*. That the said Tobias Dearick and his associates are hereby authorized to establish one or more turnpike gate or gates as they may deem necessary, and if two gates are established, they shall have and receive one half the foregoing rates; and if any person shall pass round or through said gate, with intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said Tobias Dearick and his associates treble the amount which his, her, or their toll would have

Road established.

By whom to be laid out and opened.

Turnpike gates may be erected

Rates of toll.

Proviso.

May establish one or more turnpike gates.

Penalty for passing round gate with intent to avoid paying toll

been; to be recovered before any justice of the peace, with legal cost for the same: *Provided*, that nothing herein contained shall be so construed to abolish or interfere with the road now established from Ditto's landing to the said Mead's.

Sec. 5. *And be it further enacted*, That Thomas Parrum, Patrick Scott, John Yielding and Daniel Bush be, and they are hereby, appointed commissioners, who shall view said road established by virtue of this act; and they or a majority of them shall decide, whether in their opinion the road is completed, so as to authorize the reception of toll: and if in the opinion of said commissioners, the road is not in good and complete order, they shall direct the turupike gate or gates to be opened; and no toll shall be demanded or received under the penalty of twenty dollars, and the said commissioners appointed by virtue of this act shall receive such compensation, as the County Court of Morgan may direct, to be paid by the said Tobias Dearick and his associates.

Proviso.
Road here-
tofore es-
tablished
not abol-
ished.

Com'rs ap-
pointed to
view road.

Their
compensa-
tion.

Sec. 6. *And be it further enacted*, That the said Tobias Dearick and his associates, shall commence the said road within twelve months; and the same shall be completed within two years thereafter, or forfeit their right hereby granted; and the said Tobias Dearick and his associates shall have all benefits and profits arising from the tolls, for the period of twelve years: *Provided also*, that nothing in this act shall be so construed as to authorize Tobias Dearick and his associates, to run said road through any part of the Cherokee lands, without first obtaining permission from the Cherokee nation. [Approved, Dec. 30, 1822.]

Road to be
commenced
within
one year &
completed
within two
or right
forfeited.

Proviso.

AN ACT

To better designate the line between the Counties of Jackson and Decatur, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the line between Jackson and Decatur counties be as follows, to wit: Beginning at the mouth of Sauta creek; thence up said creek to where the Winchester road crosses said creek; thence to Jesse Thompson's; thence to Caswell Bibey's, including said Jesse Thompson, William Cundiff, Hiram Jackson, Thomas Jones John Smart, and said Caswell Bibey's in Decatur county; thence from said Bibey to the top of the mountain above William E. Haskins, where the Winchester road descends the Cumberland mountain; thence to the most leading point of the mountain, between the mouth of the Lick fork and the mouth of Larkin's fork of Paint rock river; thence to the top of said mountain; thence a north-west course, to the Tennessee state line.

Boundary
defined.

Sec. 2. *And be it further enacted*, That Jackson coun- have jurisd-

Jackson to
have jurisd-

dition W.
of Wills-
town val-
ley.

Decatur to
have an
additional
election
precinct.

Repeal.

ty shall have criminal jurisdiction over all that tract of coun-
try within the limits of the Cherokee nation of Indians,
which lies west of Willstown valley, and east of a line
running from the mouth of Sauta creek, to the nearest point
of Willstown valley.

Sec. 3. *And be it further enacted*, That Decatur coun-
ty shall have an additional election precinct, at the house of
William Stedmore, on Paint rock river, in said county.

Sec. 4. *And be it further enacted*, That all acts and parts
of acts, contrary to the provisions of this act be, and the same
are hereby, repealed. [Approved, Dec. 31, 1822.]

AN ACT

To establish a public Road from the house of John Gandie, in Morgan
County, to Baltimore or Morgan's Springs, in Blount County.

Road es-
tablished.

Sec. 1. *Be it enacted by the Senate and House of Repre-
sentatives of the State of Alabama, in General Assembly
convened*, That a public Road, leading from the southern
settlements of Morgan county, commencing at or near the
house of John Gandie, by the nearest route to Baltimore,
or Morgan's Springs, be, and the same is hereby, estab-
lished.

By whom
laid out &
opened.

Width, &c.

Sec. 2. *And be it further enacted*, That Abraham Stout
and his associates, be, and they are hereby authorized and
empowered, to lay out and open said Road, by the most
eligible route which they have or hereafter may discover:
The said road shall be eighteen feet wide, cleared of every
obstruction; twelve feet of which, in the straight general
direction of the Road, shall be cleared of stumps and grubs,
either taken up by the roots or levelled with the ground,
the sloping grounds and banks of water courses, shall be
so worked on as to ensure the safe and easy passage of
horsemen and carriages of every description: all marshes,
swamps, and creeks, where necessary, shall be crosswayed
or bridged with good and durable timbers, put together in a
substantial and workmanlike manner, with ditches on each
side of crossways wherever necessary; the crossways or
bridges shall be twelve feet wide.

C'ty court
of Morgan
to appoint
com'rs to
examine
road.

Sec. 3. *And be it further enacted*, That when the said
Abraham Stout and his associates shall have completed
said Road, and reported the same to the County Court of
Morgan county, it shall be the duty of said Court to appoint
three suitable persons to examine said Road, and report
their opinion to the County Court aforesaid; and the said
Commissioners shall receive for their services such com-
pensation as the County Court may direct; to be paid by
the said Abraham Stout and his associates.

Sec. 4. *And be it further enacted*, That should the Com-
missioners appointed by virtue of the third section of this

act, report that said Road is in good order, then and in that case, the said Abraham Stout and his associates, are hereby authorized to erect a Turnpike Gate at some convenient place, and demand and receive of, and from each and every person who shall or may travel on said Road, the following rates of toll, to wit: For every four-wheel carriage, seventy-five cents; for every two-wheel carriage, twenty-five cents; for every man and horse, twelve and a half cents; for every loose horse, six and a quarter cents; for every head of cattle, three cents; for every head of hogs, or sheep, two cents; and if any person shall pass round said Gate with the intent to avoid the payment of toll, he or she shall for every such offence, forfeit and pay to the said Abraham Stout and his associates, treble the amount which his or her toll would have been; to be recovered before any Justice of the Peace, with legal costs for the same.

Rates of
toll.

Sec. 5. *And be it further enacted*, That it shall be the duty of the County Court of Morgan County, when application is made, to appoint three Commissioners to examine said Road, and report their opinion to the County Court; and if in the opinion of the Commissioners appointed by virtue of this act, the Road is not in good order, they shall direct the turnpike gates to be opened, and no toll shall be received under the penalty of twenty dollars, until said Road shall be repaired, in a good and sufficient manner: and the said Abraham Stout and his associates, shall have all benefits and profits arising from the tolls, for the period of twelve years.

C'ty court
to appoint
com'rs.

Road not
in order—
penalty for
exactng
toll.

[Approved, Dec. 23, 1822.]

AN ACT

To authorize David Peobles to continue a Toll Bridge, erected over the Escambia Creek, in the County of Conecuh.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That David Peobles be, and he is hereby, authorized to continue his Toll Bridge, erected on the Escambia Creek, in the County of Conecuh, for the space of ten years, commencing from the passage of this act, and that he be entitled to receive from each and every person crossing the same, the following toll, to wit: For every four wheel carriage, fifty cents; for every carriage of two wheels, thirty seven and a half cents; for every man and horse, twelve and a half cents; for every footman, six and a quarter cents; for every head loose or pack horse, six and a quarter cents: for every head of cattle, four cents; for every head of hogs, sheep or goats, two cents.

Bridge
may be
continued
for 10 years

Rates of
toll.

Sec. 2. *And be it further enacted*, That if the said David Peobles shall fail to keep the bridge and causeway annexed thereto, extending on each side of the swamp of said

Penalty for
not keep-
ing bridge
in repair.

Proviso.

Proviso.

creek, in good order, it shall be lawful for any person on giving information, by oath, to the Judge of the County Court, or to any Justice of the Peace for said County, to recover from the said David Peobles the sum of twenty dollars, one half of which shall be for the use of the County, the other half for the use of the informant: *Provided*, that nothing in this act contained, shall be so construed, as to prevent the County Court of said County, from erecting another bridge at any other point over said creek, and regulating the toll thereof: *And provided also*, that nothing in this act shall be so construed, as to prevent any person or persons from fording the said creek, without paying toll.

[Approved, Dec, 14, 1822.]

AN ACT

To exempt the citizens of the town of Selma, from working on any road beyond the limits of the town of Selma.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, all persons resident within the limits of the Corporation of the town of Selma, who are by law liable to work on roads, be, and they are hereby, exempted from working on any road or roads, without the limits of the Corporation of the town of Selma.

Intendant
&c. invest-
ed with ju-
risdiction
over roads
within the
corpora-
tion.

Sec. 2. *And be it further enacted*, That the Intendant and Town Council of Selma, are hereby declared to possess, and are invested with all the powers and privileges which the Judge of the County Court and Commissioners of Roads may have in respect to public roads, and are hereby empowered to enforce the same in the limits of the town of Selma, and no further.

Sec. 3. *And be it further enacted*, That no person residing beyond the limits of the town of Selma, shall, after the passage of this act, be required to work on any road or street within the Corporation limits of the town of Selma.

[Approved, Dec. 24, 1822.]

AN ACT

To establish a Turnpike Road leading from Lawrence county, to intersect the Military road at Pikesville, in Marion county.

— Road es-
tablished.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a public Road shall be, and is hereby established, to commence at Martin's Gap, in the south west corner of Lawrence county, running thence the nearest and most direct way, so as to intersect the Military Road, leading from Nashville to New Orleans, at Pikesville in Marion county.

By whom
cut out,
width, &c.

Sec. 2. *And be it further enacted*, That Joseph Burleson, and his associates, are hereby empowered to mark and cut out said road, making the same sixteen feet wide, clear of stumps and grubs, and put the same in complete repair, against the first day of October, one thousand eight hundred and twenty-three.

Sec. 3. *And be it further enacted,* That as soon as the said Joseph Burleson, and his associates, shall report to the County Court of Lawrence county, the said Road as finished, then the said Court shall appoint three or more Commissioners, (allowing them such compensation as they may deem reasonable) whose duty it shall be to examine and report to the next County Court thereafter, whether the said Road is in complete and good repair; and if said Commissioners shall report the same in good repair, as aforesaid, it shall and may be lawful for the said Joseph Burleson, to erect a turnpike gate thereon, at any point he may deem most convenient, and shall receive the following rates of toll: For each wagon and team, one dollar: for each two wheeled carriage, fifty cents; for each man and horse, twelve and a half cents; for each head of horses, hogs, cattle or other stock, three cents: and if at any time any person travelling said road, shall go round said gate, to avoid paying said rates of toll, on conviction thereof before any justice of the peace, shall forfeit and pay the sum of ten dollars to the use of the owner or owners of said gate.

C'ty court to appoint com'rs to examine road when finished.

Gate may be erected —rates of toll.

Persons going round gate and not paying toll —forfeiture.

Sec. 4. *And be it further enacted,* That if at any time the said Joseph Burleson, and his associates, shall let the said road get out of repair, then and in that case, no toll shall be paid, but the gate shall be open until the same is put in complete order for travelling.

Road not in repair, toll shall not be exacted.

Sec. 5. *And be it further enacted,* That the said Joseph Burleson and his associates, shall have the exclusive right to receive toll for the keeping open said road, agreeable to the foregoing regulations contained in this act, for the term of fifteen years.

Exclusive right to receive toll for 15 years

Sec. 6. *And be it further enacted,* That the said Joseph Burleson and his associates, shall not erect a toll gate on any part of the road known by the name of Byler's Turnpike Road.

Shall not erect gate on Byler's road.

Sec. 7. *And be it further enacted,* That if the said Joseph Burleson and his associates, should run said road on the same ground where the said Byler's Road now runs, the said Joseph Burleson and his associates, shall be at half the expense of making and keeping up said road, as far as it runs with the said Byler's Road.

Road running on Byler's to be kept in repair by both jointly.

[Approved, Dec. 26, 1822.]

AN ACT

To appoint Commissioners to lay out two Roads, leading from the ford of Line Creek; the one to Coffeeville, the other to Tuscaloosa.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John Hardy, Parson Davis, Henry Adams, Capt. Grumble's and Lewis Johnson, or a majority of them, be, and they are hereby, appointed Commissioners to view and mark out a way for a road from the town of Cahawba, to run the nearest and best way the country will admit of, to Daniel Hardy's, on Old Town creek: that James Pinkston, William Bonnell, Seymour Powell, or a

Comr's appointed

Route of road.

Comr's for
road to-
ward Cof-
feeville.

— for road
from Cof-
feeville to-
ward Ca-
hawba.

— to view
road from
Line creek
to Tuska-
loosa.

— subject
to same
rules, &c.
as those in
act of Dec.
17, 1821.

Previo².

Com'rs to
report to
c'ty court.

Court to
apportion
hands

Additional
com'rs ap-
pointed.

majority of them, be, and they are hereby, appointed Commissioners to view and mark out a way for a road to run the nearest and best way the country will admit of, from Daniel Hardy's on Oldtown creek, to intersect the Federal road, leading to Line creek, in Montgomery County; that Edmund Lane, James S. Gaines, and John Davis, or a majority of them, be, and they are hereby appointed Commissioners to view and mark out a way for a road to run the nearest and best way the country will admit of, to the county line of Dallas County in the direction to Coffeeville: and, that Alexander M'Leod, John Varner, William Taylor, John Hart and William Silman, or a majority of them, be, and they are hereby, appointed Commissioners to view and mark out a way for a road, to run the nearest and best way the country will admit of, from Coffeeville until it intersects the road from the town of Cahawba, to the county line west of Cahawba.

Sec. 2. *And be it further enacted*, That Joshua Hagerty, Benjamin Wilson, Robert Hill, Isaac Suttles and Jesse Hill, or a majority of them, be, and they are hereby appointed Commissiouers to view and mark out a way for a road, to commence at the Wagon ford on Line creek, and to run thence on the best, nearest and most direct route the nature of the country will admit of, to the town of Tuskalooosa.

Sec. 3. *And be it further enacted*, That said Commissioners shall be subject to the same rules and regulations as are prescribed by an act passed at Cahawba on the seventeenth day of December, eighteen hundred and twenty one, entitled an act to appoint Commissioners to lay out certain roads therein specified, and for other purposes, for the regulation of the Commissioners therein named: *Provided*, that the Commissioners herein named, shall not be entitled to receive any sum for their services, from the state; but that they shall receive such compensation from their counties respectively, as may be by the Courts thereof adjudged.

Sec. 4. *And be it further enacted*, That the Commissioners appointed by this act, shall, so soon as they shall have marked out the roads assigned them, make report to the County Court of their respective counties, who shall order the apportioners to apportion hands to cut out and keep in repair the said roads.

Sec. 5. *And be it further enacted*, That William Murrill, John Flood Mc Grew, Robert L. Crawford, and Thomas Murray, be, and they are hereby, appointed additional Commissioners to act with those mentioned and appointed in the fourth section of an act, entitled an act to

appoint Commissioners to lay out certain roads therein specified, and for other purposes, passed the seventeenth of December, eighteen hundred and twenty-one.

[Approved, Dec. 31, 1822.]

AN ACT

To appoint commissioners for the superintendence of the public buildings in the counties of Franklin and Lawrence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Francis Golson and Anthony White, be, and are hereby appointed commissioners in the place of Henry Cox and David Roane, deceased. Com'rs for Franklin.

Sec. 2. *And be it further enacted,* That the said Francis Golson and Anthony White, are hereby vested with the same powers, as were vested in the deceased commissioners.

Sec. 3. *And be it further enacted,* That John Gallagher be, and he is hereby, appointed a commissioner to superintend the public buildings of Lawrence county, in lieu of James Havens, deceased. For Lawrence.

[Approved, Dec. 31, 1822.]

AN ACT

To provide for paying for the public buildings of Lawrence county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the county court of Lawrence county, to levy a tax on the inhabitants of said county, sufficient to comply with the contract already entered into by the commissioners of said county with John Grugret for building the court house of said county. C'ty court to levy tax

[Approved, Dec. 27, 1822.]

AN ACT

Supplementary to an act, permanently to fix the seat of Justice for the counties of Tuscaloosa and Perry, passed November 27th, 1821, so far as relates to Perry County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all and singular the acts of the commissioners of Perry county, in fixing the seat of justice for said county, and all lands procured by the said commissioners, by purchase, donation or otherwise for said site, taking bond for title to said site, the sale of lots made by said commissioners and the building of a court house by said commissioners, be, and the same are hereby, approved, ratified and confirmed; and the site selected by said commissioners is hereby declared the seat of Justice for Perry county, and the acts, obligations and contracts between said commissioners on the part and behalf of the county of Perry and individ- Acts of com'rs approved & ratified.

uials, shall be as binding and obligatory on said commissioners and other persons concerned therein, as if the same had have been expressly authorized by law.

[Approved, Dec. 24, 1822.]

AN ACT

To alter and extend the boundaries of Wilcox county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all that tract of country which has hitherto been a part of Dallas county and which is within the following boundaries, to wit: commencing on the township line between townships fourteen and fifteen, on the main fork of Chelache creek; thence up the same to the Marengo county line in section nineteen, township fifteen, range six, be, and the same is hereby added to, and shall in future comprise a part of the county of Wilcox.

[Approved, Dec 27, 1822.]

AN ACT

To define and make plain, the western boundary line of Blount county.

Boundary
defined;

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the township line running between fourteenth and fifteenth townships, to Hugh Hartgrove's; thence in a direct line to the house, where William Dunn formerly resided; thence with that line, a due north course, to the southern boundary of Morgan county, be, and the same is hereby, declared the western boundary of Blount county.

Surveyor
of Blount
shall design-
ate.

Sec. 2. *And be it further enacted,* That it shall be the duty of the county surveyor, to run and designate by a compass, the aforesaid line, running from William Dunn's to the southern boundary of Morgan county; and shall have and receive for such services, such compensation, as may be allowed him by the Judge of the county court and commissioners of the revenue, to be paid out of the county treasury.

[Approved, Dec. 30, 1822.]

AN ACT

For the relief of the tax collector of Lawrence county, for the year 1821.

Proceed-
ings to be
suspended
until 1st
April.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Comptroller of this state be, and he is hereby directed to suspend all judicial proceedings against the tax collector of Lawrence county for the year eighteen hundred and twenty-one, until the first day of April next.

Judge c'ty
court to
examine
tax lists, &c

Sec. 2. *And be it further enacted,* That it shall be the duty of the Judge of the county court of the county aforesaid, to examine the list of the said collector for the year aforesaid, and ascertain the amount of the taxes due for said year in

the county aforesaid from insolvent persons; the amount of taxes assessed in said year in said county on land, the owners of which were not known to the assessors and said tax collector; and also the amount of the taxes of said year, which was collected by the said collector before the fifteenth day of February eighteen hundred and twenty-two, and give to the said collector a certificate under his hand and seal, specifying each of the aforesaid amounts. Give certificate.

Sec. 3. *And be it further enacted*, That the said Comptroller, shall, on the production by the said collector of the said certificate, on or before the first day of April next, receive from the said collector in part payment of the taxes collected by him in the said county for the year aforesaid, any sum in the notes of the Planters' and Merchants' Bank of Huntsville, which the said certificate shall show was collected by him, before the fifteenth of February eighteen hundred and twenty two, in the notes of said bank, and shall also credit the account of this state against the said collector with the amount which the said certificate shall show is due from insolvent persons, and also with the amount which shall appear from said certificate to have been assessed on lands in said county, the owners of which were not known to the assessors: *Provided*, that the said collector shall receive no benefit from this act, until he shall have executed a new bond with good security, in the same penalty and conditioned as the one given by him as collector of said county, for the year aforesaid. Taxes may be received in Huntsville money, &c.

[Approved, Dec. 30, 1822.]

Proviso.

AN ACT

Permanently to fix the seat of justice for the county of Blount.

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an election shall be held in the county aforesaid, on the first Monday of March next, at the places by law appointed for holding the general elections therein, for the purpose of electing five commissioners; which intended election shall, by the proper officer, be advertised at each election precinct, at least twenty days previous to such election day, and be conducted strictly pursuant to the election laws now in force in this state. Election to be held at certain times and places.

Sec. 2. *And be it further enacted*, That the said commissioners elected as aforesaid, or a majority of them, shall have full power to fix on the site for the public buildings in said county; to contract for the site aforesaid, and for erecting the necessary buildings; and in discharge of those duties they shall be governed by justice and the interest of the county, so as to render taxation on the county aforesaid unnecessary, or as light as possible: they shall have power to Com's to select a site &c.

receive a good and sufficient title in fee simple, for the site thus selected, in behalf of the county, and to make contracts for the buildings aforesaid, and make report thereof to the clerk's office of the county court of Blount, to be there recorded; and the site thus selected, shall be the place of the permanent seat of Justice, for the county aforesaid.

Com's to
give notice
Their
oath.

Sec. 3. *And be it further enacted*, That the commissioners aforesaid shall give twenty days notice of the time and place of their meeting, to carry into effect the provisions of this act; at which time, they shall take and subscribe the following oath: "I, ——— do solemnly swear, (or affirm as the case may be,) that I will select and finally fix on the site for the public buildings for the county of Blount, at or as near the centre of the said county, as an eligible site can be found, according to my best judgment, without favour, fear, or partiality, or without any other consideration whatsoever, other than the common good, and the equal rights and interest of the said county, generally."

— their
compensation.

Sec. 4. *And be it further enacted*, That in discharge of the duties herein assigned, the commissioners shall receive such compensation, as may be deemed equitable and right by the county court of the said county.

[Approved, Dec. 4, 1822.]

AN ACT

To raise a Revenue for the support of Government, until otherwise provided by law.

Lands
classified.

Owner to
give in on
oath.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all lands in this state subject to taxation, shall belong to one class: the first quality of which shall be rated at sixteen dollars; the second quality, at ten; the third quality, at four; and the fourth quality, at two dollars; and the owner or person subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state on oath, to which quality they believe his or her lands belong.

Amount
of land tax.

Sec. 2. *And be it further enacted*, That the sum of ten cents for every hundred dollars value, be paid on all lands within this state, which have been cleared out of the land office, or to which a complete title has been obtained by the owner; and the tax on all lands purchased of the United States shall be proportioned to the number of instalments paid by the proprietor at the time of assessment, as well as to its class or quality: and if one instalment only, be paid to the government, one-fourth only, of the amount of tax accruing by the laws of the state on land of the same quality, shall be assessed or collected; and in like proportion, when a second or third instalment shall have been paid.

Sec. 3. *And be it further enacted*, That the sum of ten

cents be paid, for every hundred dollars value of all lands, lots, or buildings, within any city or town, to be estimated by the person giving in the same, upon oath; thirty cents for every hundred dollars, on the amount of merchandize sold within the year immediately preceding the first day of January in each and every year, to be estimated by the owner, or in his absence by the principal clerk, giving in the same on oath; and for every slave not exceeding ten years, twenty five cents; and all over ten and under sixty, one dollar; for all free male negroes and mulattoes, over twenty-one years, one dollar; for all free white males above the age of twenty-one years and not exceeding forty-five, fifty cents; for all pleasure carriages and harness, one dollar on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every tavern licence, or leave to retail spiritous liquors, ten dollars; for every horse kept exclusively for the saddle or pleasure carriage, one dollar; and for every race-horse, five dollars; for every public race track, twenty dollars; for every stud horse or jack ass, the amount for which said stud or jack may stand by the season; and all neat cattle which may be owned by any one citizen of this state, and for every head of neat cattle owned by any person not a citizen freeholder of this state, over twenty-five head, work oxen excepted, per head, four cents; for every billiard table kept for play, one thousand dollars; for each licence granted to every hawker or pedler, in each county, twenty dollars; and in case any hawker or pedlar shall sell any goods or merchandize, without first taking out licence and paying for the same, agreeably to the provisions of the law, he shall forfeit and pay the sum of fifty dollars, to be recovered in any court having competent jurisdiction, one half to the use of the state, and the other half to the use of the informer; on all goods sold at auction, other than those which are exempted by law, two per centum on the amount of sales; for every gold watch kept for use, one dollar; for every silver or other watch, kept for use, fifty cents; and for every clock, kept for use, one dollar; for money loaned at interest, for every hundred dollars, twenty-five cents; on every pack of playing cards sold, given away, or otherwise disposed of, fifty cents.

Sec. 4. *And be it further enacted.* That for every tavern licence in any city or town, there shall be paid as tax, twenty dollars; for keeping a house of public entertainment in any city or town, without retailing spiritous liquors, fifteen dollars; on every retailer of spiritous liquors in any city or town, ten dollars; on every retailer of spiritous liquors in the country or on the road or highways, without keeping

Tax on town property.
— on merchandize.

Giving in the same on oath.
Slaves.
Free coloured.
White polls.
Carriages.

Tavern licences.
Sad. horse.
race horse.
— track.

stud & jack

Neat cattle

Bill'd table
Hawkers
and pedl's.

— penalty

Auction.

Watches

Clocks.
Money at interest.

Tavern licences in towns or cities.

— in the country.

accommodations for man and horse, five dollars ; and on all houses of public entertainment on the roads and highways, retailing spiritous liquors, five dollars ; which tax shall be paid to the clerk issuing the licence, and by him, immediately, to the tax collectors ; and the clerk shall receive for his services, the fees heretofore allowed for issuing licences ; and no county tax shall be paid on licences, except such as may be levied by the county court of such county.

To whom paid. *Sec. 5. And be it further enacted,* That on all shares of Bank stock in any bank in the state, held by any individual, partnership, or body corporate, there shall be levied and collected, yearly, a revenue at the rate of fifty cents on each share of one hundred dollars: *Provided nevertheless,* that if any Bank in this state shall refuse to pay specie for their notes after the first day of August next, then and in that case, there shall be levied and collected, an additional tax of fifty cents on each share held as aforesaid in any Bank or Banks so refusing to pay specie for their notes ; and the president and directors, or cashier, on making out their last dividend for each preceding year shall return the said amount of taxes, and pay the same into the treasury of this state, and shall produce the treasurer's receipt, on or before the first day of January in every year : and on failure thereof, the president and directors of said Bank, or any number of them in their corporate capacity, shall pay to the state two thousand dollars : and in case of any such failure, it shall be the duty of the Comptroller of public accounts, to direct the solicitor of the circuit in which such defaulting Bank or Banks may be, to proceed to the recovery of the same, on motion in the circuit court ; the said Comptroller of public accounts giving notice in the Cahawba Press to the said defaulting bank or banks of motion so to be made, and the certificate of said Comptroller shall be deemed and taken as full and sufficient evidence of such default or failure.

Tax, bank shares. *Sec. 6. And be it further enacted,* That when the time shall have expired, within which the lists of taxable property are to be received, it shall be the duty of the assessor of taxes to ascertain whether there be any lands or town lots within their respective counties, sold under the authority of the United States, previously to the first day of September, one thousand eight hundred and nineteen, which have not been assessed ; and in case any such be found, which have not been forfeited, he shall assess the same according to the rate of assessment prescribed by law on town lots and lands for which a complete title has been obtained, and such lots or lands shall be double taxed.

Proviso. Bank not paying specie. *Sec. 7. And be it further enacted,* That the collectors of taxes in the several counties, shall, at the time and in the

Cash. to retain and pay into treasury.
At what time.
Penalty.
How proceeded against.
Lands sold previous to Sept. 1819, not given in, double taxed.
Delinquents, collectors

manner prescribed by law, make distress and sale of the goods and chattels, lands and tenements of all delinquents in making return of taxable property, or in payment of taxes: and in case of taxes assessed in the manner directed in the preceding section on lands or town lots, to which a complete title has not been obtained, and in which other property, sufficient to satisfy the taxes due, together with all costs and charges accruing thereon, cannot be found, it is hereby expressly made the duty of the respective collectors of taxes, to give notice by advertisements, at the door of the court house of the proper county and at two other public places within the county, that on a certain day (which shall be at least thirty days after the date of each advertisement) he shall at the court house of his county, offer for rent, the town lot or lots, or so much of the land (as the case may be,) and for such term as may be necessary, to satisfy the taxes due, and costs and charges thereon; and he shall accordingly offer for rent to the highest bidder, until the first day of January succeeding the January immediately ensuing. the town lot or lots or such portion of the lands (as the case may be,) as he may designate, beginning in the case of lands with ten acres, or with as much less than ten acres as may be necessary to pay said tax and costs, or by adding ten thereto as often as may be necessary to obtain by such rent a sufficient sum to satisfy taxes and costs; and in case the town lot or lots, or lands cannot be rented for a sufficient sum on the terms aforesaid, they shall be offered for two years from the first day of January immediately ensuing, or until a complete title to the same shall be produced or the same shall be forfeited to the United States: *Provided*, that the production of a complete title shall in every case aforesaid, entitle the owner to the possession of the premises, upon reimbursing the amount paid for taxes, and the charges thereon, to the party by whom such payment has been made, and saving to the occupant the crop which may be on the premises: and should the rent in any case exceed the amount of taxes and charges, the right owner of the town lot or lots, or lands, (as the case may be,) shall be entitled to receive the overplus.

may sell
property.

Collector
to give no-
tice.

Term of
rent.

Proviso.

Sec. 8. *And be it further enacted*, That the collectors of taxes respectively, shall, by an instrument of writing convey to the party renting the premises as aforesaid, the use thereof for and during the time for which they were rented, and shall in addition to the compensation allowed by law, be entitled to receive one dollar, for executing every such instrument of writing; and such instrument conveying the use of the premises as aforesaid shall be good and sufficient both in law and equity: *Provided*, that whenever the

Collectors
to convey.

Proviso.

collector shall find the tenant in possession, who may refuse to pay the tax, or render possession of the premises which may be thus taxed and unpaid, he shall have full power to proceed *instantly*, in the same manner, as is or may be authorized in cases of forcible entry and detainer; and the refusal of the tenant in possession to render peaceable possession of the premises, on demand, shall be considered as evidence of forcible detainer.

Collectors
to make
deeds.

Proviso
Lands re-
deemable.

Sec. 9. *And be it further enacted*, That the tax collector shall be authorized, and is hereby required to convey by deed, any land he may sell under the provisions of this act, where a complete title has been obtained: *Provided*, the owner or owners of any lands sold for taxes, may redeem the same at any time within twelve months, by the proper owner or owners, or their agents, paying the amount of tax and costs paid by the purchaser, with interest at the rate of fifty per centum, per annum, from the day of sale, until said redemption and costs.

Tax on ex-
hibitions.

Sec. 10. *And be it further enacted*, That every person who shall exhibit or cause to be exhibited for hire or emolument, any museum, wax works, feats of activity, slight of hand, or plays, shall first obtain from the clerk of the county court of the county where the same may be exhibited, a licence authorizing the same, for which the party applying shall pay to the clerk twenty dollars for the use of the state, together with one dollar as a fee to the clerk, for issuing the same; and the clerk shall account for the said tax, in the same manner as he is required to account for taxes collected on retail and tavern licences: and every person who shall exhibit as aforesaid, without first obtaining such licence, shall forfeit and pay the sum of fifty dollars, to be recovered before any justice of the peace, at the suit of said clerk, or any other person in the name of the said clerk; which sum so recovered shall be paid over as aforesaid, after deducting therefrom ten dollars for the use of the person who may sue as aforesaid.

Penalty.

Stud horses,
&c.

Sec. 11. *And be it further enacted*, That stud horses and jack asses, shall be taxed from and after the first day of April, and the assessor shall take the list of those articles in relation to that day; and it shall be the duty of the collector of the revenue to collect the tax on all jack asses and stud horses which have stood the season in their respective counties, whether they have been listed with the assessor or not, and account for the receipts as other taxes.

Persons
make re-
turns.

Sec. 12. *And be it further enacted*, That if any person shall remove from the county in which he may reside, after the first day of April next, without returning to the assessor a list of his taxable property, then and in that case, he shall

return to the assessor of the county to which he shall remove, a list of his taxable property.

Sec. 13. *And be it further enacted*, That if any person or persons shall by him or themselves, or by his, her, or their agent, keep a billiard table for play, without first obtaining a licence from the county court in which said billiard table may be kept, he, she, or they, shall forfeit and pay the sum of two thousand dollars; to be recovered in any court having jurisdiction thereof, one half to the person suing for the same, the other half to the state: *Provided*, that all town property shall be valued by the assessor, where the owner of such property refuses to give in the same upon oath. Penalty on bill'd table
Proviso.

Sec. 14. *And be it further enacted*, That no collector shall be authorized to collect any tax until the assessment shall have been completed, and a list thereof returned to the clerk of the county court of his county. Taxes collected.

[Approved, Dec. 27th, 1822.]

AN ACT

To authorize a levy of a county tax in St. Clair, for the purpose of building a court house.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the county court and commissioners of roads and revenue of St. Clair county, be, and they are hereby authorized to levy an extra tax on all persons and property in said county subject to taxation, not exceeding one half on the amount of the state tax, to be collected by the tax collector of said county in the same way, manner, and at the same rate of compensation as the state tax is collected, and by him paid to the commissioners appointed to superintend the public buildings for said county. Ct'y court may levy tax.

Sec. 2. *And be it further enacted*, That all acts already, or hereafter to be performed by the commissioners appointed to superintend the public buildings in St. Clair county, shall be considered lawful and conclusive: and the said commissioners shall be paid, out of the county treasury one dollar per day, for each day they may be employed in discharging the duties required of them by law.

[Approved, Dec. 31, 1822.]

AN ACT

For the relief of certain Tax Collectors therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the tax collectors of the counties of Limestone, Lauderdale and Madison, be and they are hereby allowed until the first Monday of March next, to collect and remit to the comptroller's office the remainder of the revenue due from said counties of Limestone, Lauderdale and Madison. Time extended to Limestone Lauderdale and Madison.

—Jackson.

Sec. 2. *And be it further enacted*, That the tax collector of Jackson county be allowed until the first day of April next to procure and return a list of insolvents in said county.

Collectors
to enter in-
to bond.

Sec. 3. *And be it further enacted*, That the provisions of this act shall not extend to the tax collectors above mentioned, or either of them, until he shall have entered into bond and security payable to the Governor and his successors in office, in double the amount of the arrearages, which may be due and unpaid; conditioned that they will collect and pay over the sums due within the time prescribed by the provisions of this act, and which bonds shall be approved by the Judges of the county courts, respectively.

—Marengo.

Sec. 4. *And be it further enacted*, That the tax collector of Marengo county be allowed until the first day of March next, to complete his collection, and pay over the balance due by said collector, into the treasury.

[Approved, Dec. 31, 1822.]

AN ACT

Authorizing George Cox, administrator of Benjamin Cox, deceased, to sell and transfer certain real estate.

Certain
town lots,
&c. may
be sold and
transferred.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That George Cox, administrator of the estate of Benjamin Cox, deceased, late of the county of Tuskaloosa, be, and he is hereby, authorized and empowered to sell and transfer the following lots, to wit: one lot in the town of Huntsville, Madison County, fronting on Clinton Street, containing, according to the survey of the said town, two acres, and one hundred and thirty one perches, belonging to the said estate; also, all the right title and interest held by said decedent in his lifetime, to lots numbered six, two hundred and eighty four, two hundred and seventy six, three hundred and twenty three, four hundred and seventy seven, four hundred and seventy eight, four hundred and seventy nine, four hundred and eighty, four hundred and eighty one, four hundred and eighty two, four hundred and eighty three, four hundred and eighty four, three hundred and seventy one, three hundred and seventy two, three hundred and seventy three, three hundred and seventy four, four hundred and one, four hundred and two, four hundred and three, four hundred and four, lying in the lower part of the town of Tuskaloosa, on such terms and conditions as the said administrator may deem most advisable and advantageous to the interest of the said estate: *Provided*, that twenty days notice shall be given in the paper published in the town of Tuskaloosa, previous to the sale.

Proviso.

Adm'r to
enter into
bond.

Sec. 2. *And be it further enacted*, That the said administrator shall, before such sale and transfer; enter into bond with sufficient security, payable to the judge of Tuskaloosa.

sa county for the time being and his successors in office, in such sum as said Judge may require, for the proper distribution of the money arising from the sale of the aforesaid lots, agreeably to the existing laws regulating the distribution of personal estates of deceased persons.

Sec. 3. *And be it further enacted*, That this act shall commence and be in force, from and after the passage thereof.

To commence.

[Approved, Dec. 31, 1822.]

AN ACT

In relation to the estate of James White, deceased.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, that Mary White, widow of James White, deceased, of the county of Madison be, and she is hereby, authorized and empowered, by and with the consent of Samuel Bigham, of Lawrence county, to rescind and cancel a contract entered into by her husband, James White, in his lifetime, with the said Samuel Bigham, for a certain quarter section of land, lying and being in the county of Lawrence; and the said Mary White is hereby authorized to assign over to the said Samuel Bigham, the certificate for said quarter section of land so purchased, so soon as the said Samuel Bigham shall surrender and give up the notes of the said James White, deceased, for the purchase money: and the assignment thus made is hereby declared to be as full and complete, as if it had been made by the said James White, in his lifetime.

Contract with S. Bigham, rescinded.

Sec. 2. *And be it further enacted*, That John Davis, David H. Craig, Tinsley Davis, James Craig and Hugh Bernard, be, and they are hereby authorized and empowered, to divide the quarter section of land purchased of the United States, by said James White, deceased, and Matthew White, in co-partnership, and allot to each party their respective parts of said quarter section of land, so purchased in co-partnership, agreeably to the terms and conditions of the contract, between the said Matthew White, and James White, deceased, in his lifetime.

Com's appointed.

Sec. 3. *And be it further enacted*, That the said John Davis, David H. Craig, Tinsley Davis, James Craig and Hugh Bernard, shall, before they enter on the duties assigned them by the second section of this act, take the following oath, to be administered by some Judge or justice of the peace, in and for the county of Madison, to wit:—

“I ———, do solemnly swear, (or affirm as the case may be,) that I will discharge the trust reposed in me, by the second section in this act, faithfully, without partiality, favour or affection to the best of my skill and judgment—so help me God.”

Oath.

[Approved, Dec. 31, 1822.]

AN ACT

For the government of the Port and Harbour of Mobile.

Board of
Wardens
for the
port of
Mobile es-
tablished.

— Their
style.

— To have
a common
seal.

May sue
for fines.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be, and hereby is, established a Board of Wardens, for the port of Mobile, to consist of five discreet persons, to be chosen by the Legislature, one of whom shall be chosen as Harbour Master, and who shall hold their office during the term of three years; and that the said Harbour Master and Wardens, and their successors in office, shall compose the said Board of Wardens hereby established, and shall be called and known by the name of *The Harbour Master and Wardens of the Port of Mobile*, and shall have full power and authority to have and use a common seal, with such device as they may think proper, and the same to break, alter and renew at their pleasure: and further, that all fines, penalties and forfeitures, arising under this act, or the rules and regulations to be made by the said Board of Wardens in pursuance thereof, shall and may be sued for, and recovered in any court having cognizance thereof, by the said Board of Harbour Master and Wardens, or their successors in office, by their said name of the Harbour Master and Wardens of the Port of Mobile.

Harbor
Master &
Wardens
to take an
oath.

Form of
oath.

Oath
where filed
To ap-
point a
clerk.

Sec. 2. *And be it further enacted,* That each and every person, who, at any time hereafter, shall be appointed Harbour Master or Warden of the port of Mobile, shall, before he enters upon the duties of his office, take and subscribe an oath, or affirmation, before the mayor or one of the aldermen of the city of Mobile, in the following words: "I will well, truly and faithfully, according to the best of my skill and understanding, execute and perform the powers and duties vested in or enjoined upon me by law, as Harbour Master (or one of the Wardens, as the case may be,) of the port of Mobile;"—which oath or affirmation shall be filed in the office of the clerk of the corporation of the city of Mobile.

— to
keep an
office.

Sec. 3. *And be it further enacted,* That the said Harbour Master and Wardens shall appoint a clerk, and keep an office in the city of Mobile, at which office one or more of the Wardens, or Harbor Master, shall give occasional attendance, and the said clerk shall give attendance daily, Sundays and the fourth day of July excepted; and that said Board of Harbour Master and Wardens shall cause to be made and kept by their clerk in a book or books, by them to be provided for that purpose, regular fair minutes and entries of all orders, regulations, transactions and proceedings of the said Board, under and by virtue of this act; and which said book or books of entries shall and may be inspected by any person or persons desiring to inspect the same, such person or persons desiring to inspect the same, paying the said clerk twenty-five cents, each time the said books shall at his or their request be opened and examined; and further, the said clerk shall give true copies of such entries or minutes so to be made in said book or books, to such person or persons, as may require the same.

Harbor
Master,
Wardens
and Clerks
to give at-
tendance.

such person or persons paying therefor to the said clerk, whatever sum the Harbour Master and Wardens shall deem a sufficient compensation, to be established by the Board of Master and Wardens.

Sec. 4. *And be it further enacted*, That the said Harbour Master and Wardens shall meet at their office in the city of Mobile, on Monday, in every week, and at such other time or times, as the Harbour Master or two of the Wardens, may direct and appoint: and that the said Board, any three of whom shall be a quorum, shall have full power and authority, when so met, from time to time, to grant licences, under the limitations hereinafter in that behalf prescribed, to such and so many fit and proper persons not exceeding ten in the whole, as they may deem necessary and sufficient, to act as pilots for the safe pilotage of ships and vessels to and from the port of Mobile; and also to grant licences to such person or persons as the said Board shall approve of, to act as deputy pilots under such said licensed pilots, not exceeding the whole number of pilots thus to be appointed; and further, that the said Board of Master and Wardens shall have full power and authority at any time or times, to revoke and annul any licence that may be by them granted to any person to act as pilot of any description, or as deputy pilot, or to suspend any licensed pilot or deputy pilot from acting as a pilot or deputy pilot, for any period of time they may think proper: and further that the said Board of Master and Wardens shall have full power and authority from time to time, to make and establish rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, for the better government of the said pilots and deputy pilots, and with such fines and penalties for the branch thereof, as the said Board of Master and Wardens shall deem proper, and the same from time to time to revoke or amend: and the said Board of Master and Wardens, may, moreover, by their order, absolutely revoke the licence of any pilot or deputy pilot, or suspend him from acting as a pilot, for such time as they may think proper, for breaking any such rule order or regulation, or omitting any thing required by the same, or for acting in any manner contrary thereto; and in all cases whatever, a majority of the said Board of Master and Wardens shall be sufficient to decide upon any matter or question before the said Board, and the decisions, acts, orders and proceedings of such majority, shall in all cases be as valid, binding and effectual to all intents and purposes as if the said Master and Wardens had all of them been present and concerned therein: *Provided*, that before any pilot or deputy pilot shall be deprived of his licence, or suspended from acting there under, such pilot or deputy pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode, at least fifteen days before the time specified therein for his appearance, to appear before the said Board of Master and Wardens, at such time as shall be specified in the said notice, to show cause, if any he

Harbour
Master &
Wardens -
their times
of meeting.

To licen se
pilots.

— to li-
cense dep-
uty pilots.

— may re-
voke licen-
ces.

— may sus-
pend li-
cences.

— may
make reg-
ulations,
&c. with
fines.

— may
revoke li-
cences.

Majority
of board
may decide

Proviso.

Pilots not
deprived
without
notice to
appear.

may have, against his suspension or the revocation of his licence ; and if such pilot or deputy pilot shall neglect or refuse to appear at the time specified in such notice, before the said Board, or if the cause shown by such pilot or deputy pilot against his suspension or the revocation of his licence, shall not appear sufficient and satisfactory to the said Board, it shall and may be lawful for the said Board, either to revoke the licence of such pilot or deputy pilot, or to suspend him from acting as a pilot or deputy pilot, as they may judge proper, and an entry shall thereupon be made in the minutes of the said Board of Master and Wardens, of such revocation or suspension with the causes and reasons thereof ; *And provided also*, that the several persons who now are pilots and deputy pilots of the port of Mobile, may, respectively, continue in such their respective employments, without any such licences as aforesaid, for the space of sixty days from the passing of this act, and no longer.

Cause to
be entered
on minutes

Proviso.

Persons
now pilots
may con-
tinue such.

Wardens
to examine
persons ap-
plying for
licence.

Persons
qualified
may be li-
censed.

Licences
to be un-
der seal of
the board.

—and con-
tinue till
revoked.

Proviso.

Harbour
Master
may regu-
late ship-
ping &c.

Sec. 5. *And be it further enacted*, That it shall be the duty of said board of Master and Wardens, before they grant a licence to any person applying therefor, to act as pilot or deputy pilot for the port of Mobile, to call such applicant before them, and to examine, or cause him to be examined, touching his qualifications for such an employment, and in particular touching his knowledge of the tides, soundings, bearings and distances of the several shoals, bars and points of land, in the navigation for which he applies for a licence to act as a pilot or deputy pilot ; and touching any other matter the said board of Master and Wardens may think proper : and if upon such examination the person so applying shall be found and appear to the board of Master and Wardens, or a majority of them, to be of sufficient ability, skill and experience to act as a pilot or deputy pilot, as the case may be, and not otherwise, the said board of Master and Wardens, or a majority of them, may grant him a licence for piloting vessels to and from the port of Mobile ; all such licences to be granted by the said board of Master and Wardens to persons to act as pilot or deputy pilot, shall be under the seal of the said board of Master and Wardens, and shall be signed by the Master, or in case of his death, absence or inability to act, by one of the wardens, and shall be attested by the clerk of the said board of Master and Wardens, or the person acting as clerk for the time being ; and which licence shall be in force, unless revoked, (and except during the suspension of the pilot or deputy pilot, acting under the same when suspended,) from the time of granting thereof, until the same shall be revoked by the Master and Wardens as aforesaid : *Provided*, that it may be lawful for the clerk to use his private seal as the seal of the board of Master and Wardens, until the said board obtain a seal.

Sec. 6. *And be it further enacted*, That the said Harbour Master shall have authority, to regulate and station all ships and vessels in the bay and harbour of Mobile, within the limits of the said corporation and at the wharves thereof, and remove from time to time such ships and vessels as are not employed

in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving and discharging their cargoes; and as to the fact of their being fairly and *bona fide* employed in receiving, or discharging their cargoes, the said Harbour Master is hereby constituted the sole judge: and the said Harbour Master shall have authority to determine how far, and in what instances it is the duty of masters and others having charge of ships and vessels, to accommodate each other in their respective situations; and if any master or other person shall resist or oppose to the said Harbour Master in the execution of the duties of his office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall for every such offence, forfeit and pay the sum of fifty dollars. Such forfeiture to be recovered with costs of suit in the name of the Master and Wardens of the port of Mobile, before any court having cognizance thereof; all of which fines when collected shall be paid to the treasurer of the city of Mobile, for the use of the poor of the said county of Mobile.

Penalty for opposing his authority.

Such forfeiture to be paid to the Treasurer of the city.

Sec. 7. *And be it further enacted*, That it shall be the duty of the said Harbour Master and Wardens to superintend and enforce all laws of this state and all laws of the city of Mobile, for preventing and removing all nuisances, whatever, in and upon the wharves, within the corporate limits of said city.

In relation to nuisances.

Sec. 8. *And be it further enacted*, That the said Harbour Master shall have power to order any pilot or deputy pilot whom he may find in the city of Mobile to return to his station at Mobile-point; and any pilot or deputy pilot, refusing to comply with the said order, or who shall evade the same, or shall refuse or neglect to perform any of the duties hereinbefore imposed upon him, shall, on due proof thereof made to the said Master and Wardens of the said port, be subject to a fine not exceeding fifty dollars, to be recovered with costs of suit, before any court having cognizance thereof, in the name of the Harbour Master and Wardens of the port of Mobile, or to be suspended for any definite time from acting as pilot, as the case may be, or to have his licence taken from him as pilot or deputy pilot, as in the judgment of the Master and Wardens may seem proper.

Wardens may order pilots to their stations.

Penalty for pilots refusing.

Sec. 9. *And be it further enacted*, That the said Harbour Master, in case of sickness or temporary absence shall have power to appoint a deputy, and the same to remove or displace, and appoint another in his room; and further, the said Harbour Master shall have power to demand and receive from the commander, owners or consignees, or either of them, of every ship or vessel that may enter the port of Mobile and load, unload, or make fast to any of the wharves within the limits of said city, at and after the rate of three cents per ton; to be computed from the tonnage expressed in the registers of such ships or vessels, respectively, and no more: *Provided always*, that the sums shall not extend to chalons, flats or keel-boats, which are employed in the river trade, unless upon the application of the person having charge of such chalon, flat or keel-boat so employed: the

Harbour Master appoint a deputy.

—his compensation.

Proviso.

Harbour Master to adjust differences. said Harbour Master shall interfere and adjust any difference respecting the situation or position of such flat or boat; which differences the Harbour Master is authorized to hear and determine; in which case the said Harbour Master may demand and recover in manner aforesaid, from the party in fault in the premises, the sum of two dollars for every difference so adjusted, and no more.

Pilotage how collected. **5 pr. ct. detained.** Sec. 10. *And be it further enacted,* That the said Harbour Master and Wardens shall be empowered to receive all pilotage money which shall become due; and on neglect or refusal of payment by the person who ought to pay the same, may sue for and recover the same in the name of the said Harbour Master and Wardens, with costs, before any court having cognizance thereof; and the clerk of the said board of Harbour Master and Wardens shall keep a separate account with each pilot, of all monies received to his use, and the amount so due to each pilot shall be paid to them respectively, once in every three months, after deducting five per cent. for the trouble of the said Harbour Master and Wardens: and all fines and forfeitures arising under this act, except the forfeited recognizance of pilots and deputy pilots, shall be sued for and recovered as aforesaid by and in the name of the said Harbour Master and Wardens; and no such suit shall discontinue or abate, by the death, resignation or removal from office, of the said Harbour Master or Wardens: and all such fines and forfeitures and the sums recovered on any forfeited recognizance and not applied in discharge of damages as hereinafter mentioned, shall be paid to the said Master and Wardens, and be by them applied towards defraying their necessary expenses arising in the execution of their trust.

Pilots shall enter into bonds. **Persons aggrieved may prosecute.** **Amount received,** Sec. 11. *And be it further enacted,* That every pilot or deputy pilot, hereafter to be appointed, before he takes upon himself the execution of his office, shall enter into a recognizance to the Governor of this state, with two sufficient securities, to be approved by the Harbour Master and Wardens aforesaid, each pilot in the sum of one thousand dollars, and each deputy pilot in the sum of five hundred dollars, conditioned that he will diligently and faithfully execute the trust reposed in him as a pilot or deputy pilot (as the case may be,) according to the directions of this act, and such rules and orders as shall be given and made in pursuance thereof; and every such recognizance if forfeited, may at the request of any person aggrieved, be prosecuted in any court of this state, having cognizance thereof, to judgment and execution, as in other cases; and the amount of such recognizance when recovered, shall, by an order of the court in which the same is recovered, be paid to the said Harbour Master and Wardens, and the said Harbour Master and Wardens, or any three of them, shall in such case, and also at any time after said writ brought on such recognizance, if requested by any party interested therein, examine into and ascertain the damages sustained by the persons so aggrieved, and shall apply the monies so to be

received, or as much as shall be requisite to pay the damages so ascertained, and shall make report in writing to the court in which such recovery shall be had, of the damages so ascertained and paid: *Provided*, however, that if the pilot or deputy pilot so offending, shall, before judgment is obtained on his recognizance as aforesaid pay to the party aggrieved, the damages so ascertained by the said Harbour Master and Wardens in manner aforesaid, together with costs of suit, the suit on such recognizance shall be discontinued.

how disposed of.

Proviso.

Sec. 12. *And be it further enacted*, That the said Harbour Master and Wardens, or any one of them, shall if called upon by the person commanding any Ship or vessel arriving from Sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to the opening thereof for the purpose of discharge, and shall be present at the opening of the same, and shall upon every such survey, certify under his hand how the said Hatches appeared to him, for which certificate he shall be entitled to two dollars; and the said Harbour Master and Wardens or any two of them, shall be surveyors of damaged goods brought into the Port of Mobile in any Ship or vessel, and, with the assistance of one or more skilful Carpenters, shall be surveyors of any damaged vessel deemed unfit to proceed to Sea; and they shall upon every such survey, certify under their hands, how the vessel or vessels so surveyed appeared to them, and shall cause entries to be made in a book to be kept for that purpose in their office, and for each certificate and entry they shall be entitled to two dollars, and for every duplicate thereof, one dollar; and the said Wardens shall severally be entitled for their services as surveyors of damaged goods or vessels, at the rate of two dollars and fifty cents per day, and further, it shall solely belong to the said Master and Wardens or any two of them, to order and direct the sale of damaged goods by public auction, giving notice of such public sale, at least two days before such sale is to take place, in some newspaper published in the city of Mobile; and at least two of the said Wardens, shall be present at such public sale, and shall certify to the truth of the account of sales of the auctioneer by whom such damaged goods shall be sold; and for such attendance and certificate shall be entitled to the sum of ten dollars.

Survey of hatches &c

Damaged goods. Vessels unfit for sea.

Sale of damaged goods.

Account of sales.

Sec. 13. *And be it further enacted*, That neither the Harbour Master nor Wardens aforesaid shall be concerned directly or indirectly in any pilot boat or with any pilot in respect to the business of his trust.

Wardens shall not be concerned in pilot boats.

Sec. 14. *And be it further enacted*, That the said Harbour Master and Wardens shall furnish every pilot aforesaid, with printed instructions in english, to be shown by such pilot to the Master or Commander of every vessel, as soon as he shall go on board to take charge of such vessel to pilot her into the bay and harbour of Mobile.

Pilots in structions.

Sec. 15. *And be it further enacted*, That from and after the first day every branch pilot of the bay and harbour of Mobile, shall be owner or part

Pilot shall
be owner
&c. pilot
boat.

owner of a pilot boat of no less than twenty two feet keel, and seven feet and a half beam and to row not less than twelve oars, and shall keep such boat exclusively employed as a pilot boat ; and every such branch pilot not owning or employing a pilot boat as aforesaid shall forfeit his office. and in the meantime shall be suspended as aforesaid by any three of the Master and Wardens aforesaid.

Pilots paid
for extra
services.

Sec. 16. *And be it further enacted*, That the Master or owners of any ship or vessel, appearing in distress, and in want of a pilot, on the coast, shall pay unto such branch or deputy pilot, who shall have exerted himself for the preservation of such ship or vessel, such sum for extra services, as the said Master or owner and pilot can agree upon ; and in case no such agreement can be made, the Master and Wardens aforesaid, or any three of them, shall determine what is a reasonable reward ; and the sum so determined by them, shall be collected in the manner by this act directed, for the collection of pilotage.

Half pilot-
age in cer-
tain cases.

Sec. 17. *And be it further enacted*, That if the Master of any ship or vessel coming into the bay of Mobile, and being without the bar, shall refuse to receive on board and employ a pilot, the Master or owner of such ship or vessel shall pay to such pilot, who shall have offered to go on board and take charge of the pilotage of such vessel half pilotage.

Penalty
for carry-
ing a pilot
to sea.

Sec. 18. *And be it further enacted*, That if any vessel going out of the bay of Mobile shall carry off to sea, through the default of the Master or owner of such vessel, any pilot or deputy pilot when a boat is attending to receive such pilot or deputy pilot from on board such vessel, the Master or owner of such vessel shall pay to the Master and Wardens of the Port of Mobile, besides the pilotage of such vessel, the like wages per month, until he shall return to the Port of Mobile, as the monthly wages to the mate of such vessel ; *Provided*, that such pilot or deputy pilot shall have performed the duties required of him by this act ; and if any money shall have been paid to such pilot by the master, or owner or factor of such vessel, the same shall be deducted from the monies to be paid to the Master and Wardens, for the use of such pilots.

Proviso.

Pilots shall
receive pi-
lotage in
certain ca-
ses.
Rate of pi-
lotage.

Sec. 19. *And be it further enacted*, That it shall be lawful for every pilot or deputy pilot aforesaid, to ask and receive pilotage from any person who shall employ him to pilot any ship or vessel from sea, to within the bars at the mouth of the bay of Mobile, and shall if required, there safely moor such vessel, and likewise from every person who shall employ him to pilot any ship or vessel from within the bay of Mobile to the eastward and southward of the said bars, so far that such vessel may safely proceed to sea, at the rate of two dollars for every foot of water such ship or vessel shall draw.

Pilots de-
tained on
board may
demand 2
dols. per
day
Proviso.

Sec. 20. *And be it further enacted*, That for every day which any pilot aforesaid shall be required to remain or be detained on board any ship or vessel, by the Master thereof, waiting for a fair wind or otherwise, he may demand and receive the sum of two dollars ; *Provided*, however, that nothing shall be demand-

ed or received from the master or owner of any vessel employed between the Port of Mobile and any other port in this State, for refusing to receive and employ such pilot.

Sec. 21. *And be it further enacted* That nothing in this act contained, shall be construed to apply to the regular packets and traders between Mobile and New Orleans.

Packets to and from N. Orleans exempt.

Sec. 22. *And be it further enacted*, That if any person not appointed as a pilot or deputy pilot as aforesaid, shall pilot any ship or vessel, either into or out of the bay or harbour of Mobile, he shall forfeit and pay the sum of twenty-five dollars; unless, such ship or vessel be in distress, or no regular pilot can be had.

Penalty on persons not licenced for acting as a pilot.

Sec. 23. *And be it further enacted*, That all acts and parts of acts coming within the purview and meaning of this act, be, and the same are hereby repealed: *Provided, however*, that no Port Warden elected or appointed as aforesaid, shall, either directly or indirectly, act as auctioneer in the sale of damaged goods, condemned by the provisions of this act.

Repeal
Proviso.
Port Wardens restricted.

[*Approved, December 23, 1822.*]

AN ACT

To establish certain election precincts in the counties therein named.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the election precinct heretofore established at the house of Fedrick on Town-creek in the county of Dallas, be and the same is hereby discontinued; and that an election precinct is hereby established, at the house of Daniel Hardy on Old-town creek, in said county.

Election precincts in Dallas co. chang'd

Sec. 2. *And be it further enacted*, That an additional precinct for Dallas county, is hereby established at the house of James S. Gaines, on the road leading to Perry court-house; and one at the house of Richard Hall in the Mulberry settlement: and, that the election precinct, late at the house of Capt. Yoast be, and is hereby, discontinued.

— additional in Dallas

Sec. 3. *And be it further enacted*, That the following election precincts be established in the County of Conecuh, to wit: one at the house of George Constantine; one at Brooklyn; and one at Rabb's store: and that the precincts heretofore established at the house of James Caldwell, and at the house of William Blackshire, be, and they are hereby, discontinued.

— in Conecuh.

Sec. 4. *And be it further enacted*, That there be an election precinct, in addition to those already established, at the house of Alexander M'Leod in Marengo County.

— in Marengo.

Sec. 5. *And be it further enacted*, That the following additional election precincts, shall be established in the County of Tuskaloosa, to wit: one at the house of Capt. Manly Files on North river, and another at the mill of James Foster. Esq. on Grant's creek.

— in Tuskaloosa.

Montgomery.

Sec. 6. *And be it further enacted*, That the election precincts heretofore established at the house of James Sparks and Johnson's in Montgomery county, be, and the same are hereby discontinued ; and that an election precinct be established at John Steele's store ; and one at the house of William Graves in the neighbourhood of said Johnson, in said county.

Mobile. Sec. 7. *And be it further enacted*, That an additional election precinct be established at the house of Traverse George, in the county of Mobile.

Shelby. Sec. 8. *And be it further enacted*, That in addition to the election precincts already established in the county of Shelby, one shall be established at Harpersville, at the house of John Kidd.

Jackson. Sec. 9. *And be it further enacted*, That Jackson county shall have an additional election precinct, at the house of Thomas Williams on Racoon creek.

Decatur. Sec. 10. *And be it further enacted*, That the election precinct heretofore had at Wm. W. Pruett's, in Decatur county, be and the same is hereby discontinued ; and one in lieu thereof, at the house of Wyatt Lawes in said county, be hereby established.

Marion. Sec. 11. *And be it further enacted*, That there shall be two election precincts established in Marion county, in addition to those heretofore established ; one at the house of Joseph Burleson on Buttahatche river, and one at the house of William H. Ragsdale, on the military road.

St. Clair. Sec. 12. *And be it further enacted*, That in addition to the election precincts already established in the county of St. Clair, there shall be an election precinct at the house of Henry Box, esq. in Coosa valley.

Morgan. Sec. 13. *And be it further enacted*, That an additional election precinct be, and is hereby established at the house of Adam Torrance, in the county of Morgan.

Limestone. Sec. 14. *And be it further enacted*, That the law establishing an election precinct at Ryser's shop, in Limestone county, be, and the same is hereby repealed ; and that an election precinct be established at the house of John Hardin, in said county.

Wilcox. Sec. 15. *And be it further enacted*, That in addition to the election precincts already established in the county of Wilcox, an election precinct is hereby established at the house of Obadiah Domus ; and also an election precinct is hereby established at the house of John McCondichie, senior, on Cedar creek, the north side of Pine barren creek.

Perry. Sec. 16. *And be it further enacted*, That in the county of Perry, the election precincts at capt. William Waters's and Doctor Locket's in Old-town settlement, be and the same are hereby abolished ; and in lieu thereof, there shall be an

election precinct at Durden and Oliver's store, and an additional election at Milton's, on the Oakmulgee creek; the election precinct at capt. M'Cuskey's be, and the same is hereby abolished, and in lieu thereof, there shall be a precinct on Brush creek, at the house of Samuel Tubb, and a precinct at the house of Richmond Carroll.

Sec. 17. *And be it further enacted,* That the election precinct heretofore established at the house of capt. Daniel, in the county of Greene, be discontinued; and a precinct in lieu thereof be established at the muster ground of capt. Trussel: and also, that the election precinct heretofore established at the house of Abner Cotton, be discontinued, and a precinct in lieu thereof be established at the muster ground of capt. Bell. Greene.

Sec. 18. *And be it further enacted,* That the election precincts in the county of Blount shall be, as follow: the election precinct at capt. Robert's muster ground be discontinued; and in lieu thereof, the election shall be held at the muster ground of capt. Brinlie, at the house of Jesse Watson; and that the precinct election at the muster ground of capt. McDaniel be discontinued, and in lieu thereof, the election shall be held at the house of James Anderson, senior; one other election precinct, at the house of James Doyle; and one other at the house of Thomas A. Williams, in said county. Blount.

Sec. 19. *And be it further enacted,* That there shall be an additional precinct election held at the house of Jesse Clements in the county of Pickens; and that the election held at the house of Coxes, shall be discontinued. Pickens.

Sec. 20. *And be it further enacted,* That two additional election precincts be established in the county of Conecuh, one at the house of John Bell, and one at the house of James Grace; and that the election precinct heretofore established at the house of David Hendrick, is hereby discontinued. Conecuh.

Sec. 21. *And be it further enacted,* That the election precinct heretofore established at Geo. W. McGaughie's in the county of Lawrence, be and the same is hereby discontinued; and in lieu thereof, that an election precinct be established at the muster ground of capt. Blackwell's company in said county. Lawrence.

Sec. 22. *And be it further enacted,* That in addition to the election precincts heretofore established in the county of Monroe, an election precinct is hereby established at the house of Joses Parker, in said county; and also an election precinct be established at the house of Matthew Averett, in said county. Monroe.

Sec. 23. *And be it further enacted,* That in the county of Bibb, there shall be an election precinct established at the house of Daniel Williams, esq. on Mulberry creek in said county. Bibb.

[Approved, Dec. 26, 1822.]

AN ACT

To organize the Counties of Covington and Pike.

Com's for
Pike. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Alexander M'Call, Obadiah Pitts, James Arthur, Edmund Hobby, and Daniel Lewis, be, and they are hereby, appointed Commissioners for the County of
→ duty. Pike, a majority of whom shall have power and authority to designate and fix upon a suitable place for a seat of Justice for said county; to contract for, and superintend the erection of such public buildings for the use of said county, as they may deem necessary; which shall be let to the lowest bidder, after giving twenty days notice, at three or more public places in said county, of the time and place, when and where, the same shall be let; and until a selection shall be so made, that the house of Samuel Sivilley be the seat of justice for said county.

Com's for
Covington. Sec. 2. *And be it further enacted,* That John M. Chapman, William Arthur, junior, Henry Jones, Abel Polk, and John Cruse be, and they are hereby, appointed commissioners for the county of Covington, a majority of whom shall convene on the first Monday in March next, at the
→ duty. place fixed upon as the seat of justice for said county; and a majority of the commissioners for the county of Pike shall meet at the house of Samuel Sivilley, on the day aforesaid, and proceed to hold elections for a sheriff, a clerk of the circuit court, a clerk of the county court, and commissioners of the revenue and roads, for their respective counties, under such regulations as are prescribed by law.

Com's to
take oath. Sec. 3. *And be it further enacted,* That said commissioners shall, before they proceed to the discharge of the duties required of them by the foregoing section, take the oath required by law to be taken by managers of elections for the General Assembly, to be administered by the Judge of the county court, or any justice of the peace.

Sec. 4. *And be it further enacted,* That the commissioners aforesaid, be, and they are hereby empowered, to receive and obtain from the treasurer of their respective counties, such sum of money remaining in the treasury, which may be contracted for with such undertakers; and to remunerate themselves for the actual expenses which, in the execution of their duties as commissioners aforesaid, they may necessarily incur.

Only court
may levy
tax. Sec. 5. *And be it further enacted,* That the Judges of the county courts and commissioners of roads and revenue of Pike, Covington and Henry counties, be, and they are hereby, authorized to levy an extra tax, not exceeding fifty per centum upon the amount of the general tax, for county purposes.

Sec. 6. *And be it further enacted,* That thirty days shall hereafter be allowed for making returns from the general elections for a senator and representatives, to the counties of Henry, Covington and Pike, any law to the contrary notwithstanding. 30 days
to make
returns.

Sec. 7. *And be it further enacted,* That if the aforesaid commissioners shall fail to meet at the time appointed to perform the duties prescribed by this act, that they shall have power to meet on the first Monday in April next. Com's fail-
ing to meet
may meet
in April.

Sec. 8. *And be it further enacted,* That the election precinct at the house of John Turner, in Henry County, be discontinued; and in place thereof, an election shall be held at the house of John Morgan: that in addition to the precincts already established for Henry county, an election shall be held at the house of Robert Johnson. Election
precincts
in Henry.

Sec. 9. *And be it further enacted,* That the commissioners of the counties of Pike and Covington, shall have power to lay off their respective counties into beats; and shall order an election for constables, justices of the peace, captains and all inferior commissioned military officers in the different beats of their respective counties; and it shall be the duty of the sheriff of those counties, so soon as elected and commissioned to superintend and conduct said elections. Com's to
lay off
beats.
— to order
elections.

Sec. 10. *And be it further enacted,* That hereafter the person employed to carry and distribute the public acts, shall not be entitled to any pay for carrying and distributing the acts in Henry, Pike and Covington counties, unless he produce a receipt from the clerk of the circuit court, that the same were delivered in due time. Distribu-
tion of acts.

[Approved, Dec. 12, 1822.]

AN ACT

To alter the boundaries of Perry county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That township sixteen in range six be added to, and hereafter form a part of Perry county.

[Approved, Dec. 30, 1822.]

AN ACT

Supplementary to An Act to establish the permanent Seat of Justice in the County of Shelby, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Daniel M'Laughlin, William Gilbert, Isaac Hutcherson, Edmund King, Bennett Ware, Webb Kidd, and Abraham Smith, esquires, be, and they are hereby, appointed commissioners for the purpose of selecting and fix- Comr's
appointed.

ing on the most convenient and eligible site for the seat of justice, and for establishing the public buildings in said county.

Their
duty.

Sec. 2. *And be it further enacted.* That the said commissioners or a majority of them, shall have power and authority, to procure by purchase or otherwise, a site as aforesaid, within six miles of the centre of the county; which centre shall be ascertained by the county surveyor, whose duty it shall be to have due regard to the different extremes in performing that duty, and shall receive such compensation for his services as the county court may deem reasonable, to be paid out of the county treasury; and should the commissioners not able be to find an eligible site within six miles of the centre thus found by the county surveyor, they shall then fix on the next nearest and most eligible site to the centre, having regard in every instance to the true interest of the county, and particularly to lightening the burthens of the people.

Com'rs
may sell
real estate,
&c.

Sec. 3. *And be it further enacted.* That the said commissioners or a majority of them, shall, after fixing on the site as aforesaid, have power to dispose of any and all such real estate as they may receive by donation, purchase or otherwise, so as to promote the interest of the county; and shall further have power and authority to contract for all the necessary public buildings for the said county; shall have the direction of their several constructions, and superintend, reject, or receive the same when completed.

When to
meet.

Sec. 4. *And be it further enacted,* That the commissioners aforesaid, shall meet at the place of holding courts for the said county, as early as practicable, which shall not exceed the first Saturday in April next, for the purposes aforesaid; and they shall have power to adjourn from time to time and to such place or places as a majority of them may deem proper: *Provided,* that the said commissioners before

Proviso.

To take
oath.

entering on their duties, shall take and subscribe the following oath or affirmation before some justice for the peace for said county, to wit: "I ———, do solemnly swear or affirm, (as the case may be,) that I will well and truly perform all the duties required of me as commissioner for fixing on the site for the seat of justice for the county of Shelby, pursuant to an act of the Legislature passed for that purpose, to the best of my knowledge and ability without favour or partiality to men or places—so help me God."

C'ty court
to fill va-
cancies.

Sec. 5. *And be it further enacted,* That it shall be the duty of the judge of the county court and the commissioners of roads and revenue for said county, to fill such vacancies as may occur by the death, resignation, or refusal to act, of any of the commissioners appointed by this act; and

should the commissioners or a majority of them, appointed by this act, or by the judge and commissioners aforesaid, neglect or refuse to meet and enter on their duties in fixing the seat of justice for said county, until the last day of April next, then and in that case, the judge of the county court and the commissioners of the roads and revenue for the said county, shall be vested with all the powers and authority which the commissioners appointed by this act are vested with, in selecting and fixing on a site for the seat of justice in the said county; and shall be subject to all the restrictions, and shall take the same oath as is required of said commissioners, and shall be entitled to the same remuneration for their services.

Sec. 6. *And be it further enacted*, That the commissioners appointed by this act or such as may perform the duties herein required, shall each receive as compensation for their services, one dollar per day for each day they may be necessarily employed in performing that duty; which compensation shall be paid out of any monies remaining in the county treasury not otherwise appropriated: *Provided*, that they shall first apply to the clerk of the county court and give in on oath the number of days he or they have been employed as aforesaid, and shall receive a certificate from the clerk to that effect.

Com'rs
compensa-
tion.

Proviso

Sec. 7. *And be it further enacted*, That Peyton King and John Martin, be, and they are hereby, appointed additional commissioners for the county of Jefferson, to have, exercise and perform, all and singular the powers and duties belonging to the commissioners appointed by an act of the General Assembly of this state, passed at Huntsville, the thirteenth day of December, eighteen hundred and nineteen.

Additional
com'rs for
Jefferson.

[Approved, Dec. 30, 1822.]

AN ACT

To repeal in part an Act, entitled an Act supplementary to an Act entitled an Act to incorporate the City of Mobile—passed the 17th December, 1819.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the fifth section of an act to incorporate the city of Mobile, passed the fourteenth day of December, eighteen hundred and twenty, be, and the same is hereby, repealed.

Fifth sec.
of 1820 re-
pealed.

[Approved, Dec. 5, 1822.]

AN ACT

To amend An Act incorporating the Town of Erie.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the first section of an act, passed the eighteenth day of December, eighteen hundred and twenty, entitled an act

Repeal.

to incorporate the town of Erie, be, and the same is hereby, repealed.

Limits of
corpora-
tion.

Sec. 2. *And be it further enacted*, That the corporate powers given by the second section of the above recited act, shall extend only to three hundred and twenty half acre lots, and the ten acre lot including and near the landing of said town, as originally laid off by the proprietor thereof, and shall be called and known by the name of Erie.

[Approved, Dec. 14, 1822.]

AN ACT

To repeal an Act incorporating the Town of Jackson in Clarke County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the act incorporating the town of Jackson in the county of Clarke, passed on the twenty-seventh day of November, one thousand eight hundred and sixteen, be, and the same is hereby, repealed. [Approved, Dec. 31, 1822.]

AN ACT

To incorporate the Town of Ashville, in the County of St. Clair.

Town in-
corporated

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Ashville in the county of St. Clair, be, and the same is hereby, established and incorporated, including thirty acres, agreeably to the plan of said town.

Election
for coun-
cillors
when held.

Sec. 2. *And be it further enacted*, That an election shall be held at the house of John Cunningham, in said town, on the first Monday in February next, and on the same day in every year thereafter, to commence at ten o'clock, in the morning, and close at two in the afternoon, for the purpose of electing, by ballot, five Councillors, inhabitants of said town, who shall serve for the term of one year after they shall have been elected; the election shall be conducted and managed by a justice of the peace, and two householders in said town, and all subsequent elections shall be conducted by two of the Councillors, to be appointed by the board for that purpose, and the said Councillors so elected, shall, on the next day after said election, in each and every year, meet and elect by a majority of votes, from their own body, an Intendant, whose duty it shall be, to preside and keep order at all meetings of said Councillors, and in his absence, or incapacity, any other member may be called to the chair; and the said Councillors shall be, and they are hereby, constituted a body corporate, by the name and style of *The Intendant and Council of the town of Ashville*, and by that name, they, and their successors in office, shall be capable in law, of suing and being sued, of pleading

By whom
conducted.

Intendant
to be elec-
ted.

Council-
lors declar-
ed body
corporate.

and being impleaded, in all manner of suits either in law or equity; also, to have and keep a common seal, and the same to break alter and amend at pleasure, and in general, to do all acts which are incident to bodies corporate, and to purchase, hold, and dispose of, for the benefit of said town, real, personal or mixed property, to the amount of ten thousand dollars.

Corporate powers.

Sec. 3. *And be it further enacted*, That the said Intendant and Council shall possess the same powers, and be subject to the same restrictions, as are provided by law for the government of the Intendant and Council of the town of Montgomery, passed at Huntsville, the third day of December, eighteen hundred and nineteen. [Approved, Dec. 12, 1822.]

Continued.

AN ACT

To incorporate the Town of Jonesborough, in the County of Jefferson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Jonesborough, in Jefferson County, be, and the same is hereby, established and incorporated.

Town incorporated.

Sec. 2. *And be it further enacted*, That hereafter the householders within the town of Jonesborough, on the first Monday in March next, and on that day in each and every succeeding year, shall hold an election, to commence at ten o'clock in the morning, and close at three in the evening, for the purpose of electing by ballot, five persons, inhabitants of said town, to act as trustees thereof, a majority of whom shall constitute a quorum to do business, also a town constable, assessor, collector and treasurer, to serve for one year.

Trustees when elected.

Sec. 3. *And be it further enacted*, That every free white male of the age of twenty-one years and upwards, and who was a resident of said town on the first day of February preceding the day of election for trustees, shall be entitled to vote for said trustees.

Electors.

Sec. 4. *And be it further enacted*, That the said trustees and the officers so elected, shall proceed in the same manner, possess the same powers, and be subject to the same regulations as are provided by law for the government of the trustees and other officers of the town of Elyton.

Powers, &c. of Trustees, as same as those of Elyton.

[Approved, Dec. 31, 1822.]

AN ACT concerning the Council of the Town of Belle Fonte.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the election which was held on the second Monday of February, eighteen hundred and twenty-two, for the purpose of appointing the Council of the town of Belle Fonte, in the county of Jackson, be, and the same is hereby, declared legal.

Election held in 1822 declared legal.

[Approved, Jan. 1, 1823.]

AN ACT

To incorporate the Jefferson Academy, in the Town of Elyton, and for other purposes.

Academy established and incorporated. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an Academy be, and is hereby established in the town of Elyton, in Jefferson county, by the name of the Jefferson Academy, and that Anthony Labuzan, John Wood, John Brown, (Red.) William K. Paulling, Darby Henly, Peyton King, John S. Doxey, Benjamin Mattison, Isham Harrison, Stephen Hall, Isaac Browne, and William Roupe, their associates and successors, be, and are hereby constituted a body corporate, by the name and style of **Trustees.** *The Trustees of the Jefferson Academy,* and by that name shall have power to sue and be sued, to plead and be impleaded, to receive donations, to hold real estate to the value of ten thousand dollars, and in general to do all acts for the benefit of the institution which are incident to bodies corporate, and which are not repugnant to the constitution and laws of the United States or of this State.

To fill vacancies. Sec. 2. *And be it further enacted,* That the said Trustees their associates and successors, shall have power to associate with them any number of men not exceeding five, who when elected, shall have equal rights with those here named, and shall fill all vacancies which may occur by death, resignation, refusal to act, or otherwise; and to appoint a president, vice president, treasurer and secretary, **Appoint officers.** and to prescribe the duties of each, and to make all such by laws for the government of the Seminary, and of their own meetings, as they shall think proper.

When to meet—five a quorum. Sec. 3, *And be it further enacted,* That the first meeting of the Trustees be on the second Monday in February, in the year one thousand eight hundred and twenty-three, in the town of Elyton, and that they meet at such times thereafter, as they shall think proper, and that the number five shall constitute a quorum to do business.

May raise money by lottery. Sec. 4. *And be it further enacted.* That the Trustees be, and they are hereby, authorized to raise, by way of Lottery, for the benefit of said Academy, a sum of money not exceeding five thousand dollars, on such plan or scheme as the said Trustees may deem most advisable.

[Approved, Dec. 30, 1822.]

AN ACT

To incorporate the trustees of Athens female academy, in Limestone county.

Trustees. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Robert Beaty, John D. Carroll, Beverly Hughes, Daniel Coleman, Andrew Foster, John W. Smith, and

Joshua L. Martin, trustees of the Athens Female Academy, and their successors in office, appointed or elected, or to be appointed or elected according to the rules and regulations of said academy, shall be, and they are hereby, incorporated as a body politic and corporate, in deed, and in law, by the name and style of *The Trustees of the Athens Female Academy*.

Incorporated.

Sec. 2. *And be it further enacted*, That the said corporation, by their name aforesaid, shall have perpetual succession of officers and members, to be appointed or elected in such manner, and according to such form, as may be prescribed by the rules and regulations made for the government of the said corporation, and that they may have a common seal, with power to alter and make new, the said rules and regulations, and the said common seal, as often as they shall deem expedient.

Corporation declared perpetual.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the said corporation shall be able and capable in law, to purchase, have, hold, possess, enjoy, and retain to itself in perpetuity, or for any term of years, any estate real or personal of what kind or nature soever, and to sell, alien, or dispose of the same, as they may think proper; and by its name above mentioned, to sue, and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and to make such rules and regulations not repugnant to the constitution and laws of this state and of the United States, as they may deem expedient.

Corporate powers.

[Approved, Dec. 9, 1822.]

AN ACT

To incorporate the Huntsville Fire Engine Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following persons, members of the Huntsville Fire Engine Company, to wit: Preston Yeatman, James H. Turner, Jos. Estell, Theoderick L. Smith, George H. Malone, John J. Coleman, Henry A. Hunnewell, William Cottinger, Francis Callender, John Kennedy, David J. Hynds, John F. Mills, Luke Howard, John Hunter, John B. Eldridge, Robert Caruthers, William Stewart, Joseph Vokes, Ferdinand Sannoner, Charles M'Clellan, Andrew D. Veitch, William Cruse, John Estell, Edmund Irby, Jesse Searcy, Wilson T. Caruthers, Leighton Wood, Abraham S. Thew, Henry Adams, William Veitch, Thomas B. Jones, William S. Henderson, John Wood, Thomas S. Pryor, Richard B. Brickell, L. W. Wilson, D. St. Clair M'Intosh, Samuel K. M'Graw, James St. Clair, James M. Tilford, Hugh M. Warren, James H. Weakly, Richard B. Purdom, William Feeny, George W. Lee, Henry M. Blount, George R. Wharton, William W. Harris, & Alexander S. Morgan, and such other persons as shall hereafter become members of the said com-

Members viz. of the company.

Incorporated.

pany, shall be, and are hereby, constituted a body corporate by the name of The Huntsville Fire Engine Company; and by that name they and their successors shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all civil actions whatever, either in law or equity.

Corporate powers.

Sec. 2. *And be it further enacted*, That they and their successors may have a common seal, change and alter the same at their pleasure, purchase, take, hold, and enjoy, to them and their successors, any real estate in fee-simple, or otherwise, and any goods, chattels, or personal estate, for the purpose of enabling them the better to carry into execution such measures as may tend to promote the interest of said institution:

Proviso.

Corporate powers continued.

Provided, that the yearly value of such real and personal property shall not exceed one thousand dollars: and that they and their successors, shall have full power to grant, sell, lease, or otherwise dispose of said real and personal estate, or any part thereof, at their will and pleasure; and that they and their successors shall have full power, from time to time, to make, institute and establish such by-laws, ordinances, and regulations, as they may judge proper for the election of their officers; for the election and admission of new members of the said Corporation, and the terms and manner of admission; for the better government and regulation of their officers and members; for the fixing of the times and places of the meetings of the said Company; and for regulating all the affairs and business of the said Corporation:

Proviso.

Provided, such by laws and regulations shall not be repugnant to the Constitution and laws of the United States and of this State.

Co. managed by 9 Directors.

Sec. 3. *And be it further enacted*, That the affairs of said Company shall be managed and conducted by nine directors, who shall be members of said Company, who shall hold their offices for twelve months from the time of their election, and shall then be eligible for any subsequent term.

Prest. to be appointed.

Sec. 4. *And be it further enacted*, That said Directors so elected shall at the first meeting appoint a President, who, with a majority of the Directors shall constitute a quorum to transact business.

Election for directors when holden.

Sec. 5. *And be it further enacted*, That Joseph Estell, William Cottinger, Francis Callender, Charles M'Clellan and Samuel K. M'Graw, be, and the same are hereby, appointed Commissioners, a majority of whom, shall, by giving notice thereof at the Court House door in Huntsville for five days, proceed to hold an election for Directors as herein above provided for, at which election all the above named persons shall have a right to vote.

[Approved, Dec, 10, 1822.]

AN ACT

To authorize Rosanna Lambkin and Elijah Hogan, to convey to Isaac Jackson a certain tract of Land therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Rosanna Lambkin, administratrix, and Elijah Hogan, administra-

tor, of the estate of William Lambkin, deceased, be, and they are hereby, authorized to assign over to Isaac Jackson of the County of Madison, the Certificate for the east half of the north-east quarter of section number six in township number five, in range number one, west of the basis meridian, in the district of lands offered for sale at the town of Huntsville.

[Approved, Dec. 14, 1822.]

AN ACT

To authorize the Administrator and Administratrix of Davis H. Mayhew, deceased, to sell real estate.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Jonathan Mayhew, administrator, and Lucy M. Mayhew, administratrix of Davis H. Mayhew, late of the County of Autauga, deceased, be, and they are hereby, authorized and empowered to sell all or any number of certificates of certain lands belonging to the estate of said decedent, on such terms and in such manner as they may deem most advantageous to said estate, taking bond with sufficient security for the payment of the consideration.

May sell
land.

Sec. 2 *And be it further enacted,* That the said administrator and administratrix be, and they are hereby, authorized on the sale of such certificates, to make to the purchaser or purchasers, as the case may be, a legal transfer of the same; which shall be as valid and binding as if the same had been made by the decedent in his lifetime.

May make
transfer.

Sec. 3. *And be it further enacted,* That the said administrator and administratrix shall, before the sale of the lands herein before authorized to be sold, enter into bond with sufficient security, payable to the Judge of the County Court or Chief Justice of the Orphans Court of Autauga, for the true and faithful disposition of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of the personal estates of deceased persons.

To enter
into bond.

[Approved, Dec. 31, 1822.]

AN ACT

To authorize the administrator of John Turrentine, and the administratrix and administrator of William Lambkin, deceased, to sell certain tracts of land therein designated.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Joseph Turrentine, administrator of John Turrentine, deceased, late of Morgan County, be, and he is hereby authorized and empowered, to sell at public auction, giving at least thirty days public notice thereof, the north-east quarter, of section number twenty-nine Township number seven, and Range number three, west of the meridian of Huntsville, being and lying in Morgan County; it being the same that the aforesaid John Turrentine, deceased, died seized of, taking bond with approved security for the true and faithful payment of the same.

Authoriz-
ed to sell
land.

Sec. 2. *And be it further enacted,* That the said administra-

To make
convey-
ance.

tor is hereby authorized and empowered, on the sale of said tract of land, to make to the purchaser of the same, a conveyance of such title, as the said deceased had or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the decedent in his lifetime.

To enter
into bond.

Sec. 3. *And be it further enacted*, That the said administrator shall, before the sale of the land herein before authorized to be sold, enter into bond, with sufficient security, payable to the Judge of the County Court and his successors in office, in the county in which such land is situated, for the faithful disposition of the money arising from the sale of said land, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

Admx. and
admr. of
W. Lamb-
kin author-
ized to sell
land.

Proviso.

Sec. 4. *And be it further enacted*, That Rosanna Lambkin administratrix, and Elijah Hogan administrator of the estate of William Lambkin, deceased, be and they are hereby authorized to sell at public auction, a certain tract or parcel of land, belonging to said estate, lying and being in the county of Madison, containing one hundred and sixty acres, purchased by said William Lambkin of Hartwell Thompson, upon such terms as they may deem most advantageous for the interest of said estate: *Provided*, that thirty days notice be given of the time of sale, and that the proceeds thereof be applied, first, in the payment of the debts of the said decedent; the balance in legal distribution.

To enter
into bond.

Sec. 5. *And be it further enacted*, That the said administratrix and administrator, shall, before the sale of the land herein before authorized to be sold, enter into bond with sufficient security, payable to the Judge of the County Court, and his successors in office, in the county in which said land is situated, conditioned for the faithful distribution of the money arising from the sale of said land. [Approved, Jan. 1, 1823.]

AN ACT

For the benefit of Sarah Strother, administratrix of the estate George H. Strother, deceased, and to authorize her to sell certain real estate therein named.

Commis-
sioners to
be appoint-
ed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the Judge of the county court of Wilcox county, on or before the tenth day of February next, to appoint three commissioners, whose duty it shall be to divide fractional section, west of the Alabama river, number two, in township number twelve range six, in the district of lands offered for sale at Cahawba, between Sarah Strother, administratrix of George H. Strother, deceased, and Samuel B. Dickson, according to the purport of an instrument of writing executed by said Samuel B. Dickson to George H. Strother on the ninth day of August eighteen hundred and nineteen; which division when so made, shall be returned by said commissioners to the term of the county court next succeeding the time of said division; which shall be obligatory on the respective parties.

Sec. 2. *And be it further enacted*, That said commissioners shall receive from said parties, one half to be paid by each party, the sum of one dollar each, for their services in making said division.

Compensation.

Sec. 3. *And be it further enacted*, That when such division is made, the said Sarah may dispose of the interest which the heirs and representatives of said George H. Strother have in said lands, at public sale, at the town of Canton, first giving thirty days notice of the time and place of sale in some newspaper published in the town of Cahawba, and also by advertisement at the court house door of said county of Wilcox: *Provided also*, that said Sarah Strother, previous to said sale, give bond with approved security to the clerk of the county court of said county, in such penalty as said clerk may deem sufficient, conditioned for the disposal of the proceeds of said sale according to law.

Sale of est. authorized

Proviso.

[Approved, Dec. 31, 1822.]

AN ACT

To authorize the Administrator and Administratrix of John Ellis, to sell and convey certain real estate.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Samuel Gragg, Elizabeth White, administrator and administratrix, of the estate of John Ellis, deceased, be, and they are hereby authorized, to sell the north west quarter of section seven, township five, in range one, east of the basis meridian, in the district of lands sold at Huntsville, belonging to the estate of the said John Ellis, deceased, on such terms as they may deem most advantageous, taking bond with sufficient security, for the true and faithful payment of the consideration.

May sell land.

To take bond.

Sec. 2. *And be it further enacted*, That the said administrator and administratrix, are hereby authorized and empowered, on the sale of said land to make or cause to be made to the purchaser. or purchasers, (as the case may be) of the same, a conveyance of such title or interest as the said deceased had, or was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the deceased in his life time.

To make conveyance.

Sec. 3. *And be it further enacted*, That the said administrator and administratrix, shall, before the sale of said land herein before authorized to be sold, enter into bond with sufficient security, payable to the Judge of the County Court of Lawrence, for the disposition of the money arising from the sale of said land, agreeable to the existing laws respecting the distribution of the personal effects of deceased persons: *Provided*, at least thirty days previous notice shall be given of the time of said sale, in two or more public places.

To enter into bond,

Proviso.

[Approved, Dec. 12, 1822.]

AN ACT

To authorize William Breedlove to sell certain real estate, therein named, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William Breedlove, administrator of Charles Breedlove, deceased, of Lawrence county, be, and he is hereby authorized to sell at public auction at the court house in Moulton, after having given thirty days notice of the time and place of sale, in writing, posted up at three of the most public places in said county, the southwest quarter of section number four, in township seven and range seven, west, in the district of land sold at Huntsville, which belongs to the estate of said Charles Breedlove, deceased.

Land may
be sold

May make
title.

Sec. 2. *And be it further enacted,* That said William Breedlove, administrator of said Charles, is hereby authorized and empowered, on the sale of said land, to make or cause to be made to the purchaser of the same, a conveyance of such title as the said deceased had; which conveyance shall be equally binding as if the same had been made by the said deceased in his lifetime.

To give
bond.

Sec. 3. *And be it further enacted,* That said administrator, shall, before the sale of said land hereinbefore authorized to be sold, enter into bond with sufficient security, payable to the Judge of the county court of Lawrence county, for the disposition of the money arising from the sale of said land agreeably to the existing laws governing the distribution of personal estate of deceased persons.

Ex'r of
John Bos-
well autho-
rized to sell
land.

Sec. 4. *And be it further enacted.* That Ransom P. Boswell, executor of John Boswell, deceased, be, and he is hereby authorized to sell and transfer all, or any number of the certificates of land owned by said John Boswell, deceased, upon such terms as he may deem most advantageous.

May make
title.

Sec. 5. *And be it further enacted,* That upon the sale of any one or all of the certificates aforesaid, the executor aforesaid, shall have power, and he is hereby authorized, to make as complete and as legal a transfer of the same to the purchaser or purchasers, as could have been made by the deceased during his lifetime: *Provided,* the said executor shall, before the sale of all or any of the said certificates, enter into bond with sufficient security, payable to the chief justice of Conecuh county, for the faithful distribution of the money arising from the sale thereof, according to the laws relating to, and regulating the estates of deceased persons.

To give
bond.

Ex'r of N.
Smith,
authorized
to sell land.

Sec. 6. *And be it further enacted,* That Thomas Hooks, executor of Nicholas Smith, deceased, be, and he is hereby authorized to sell and convey all or any number of the certificates of land belonging to said decedent, upon complying with the provisions contained in the fourth section of this act.

[Approved, Jan. 1, 1823.]

AN ACT

To authorize the Administrators of John Lucas, and the Administrators of John Waugh, deceased, to sell real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Walter B. Lucas and Henry Lucas, administrators of the estate of John Lucas, deceased, be, and they are hereby, authorized to sell the certificates of all land purchased by said John Lucas, in the state of Alabama, of the United States, during his lifetime, on such terms as they may think most advantageous to the heirs and creditors of said deceased; taking bond with sufficient security for the true and faithful payment of the consideration.

Adm'rs of
J. Lucas
may sell
land.

Sec. 2. *And be it further enacted,* That Robert C. Morrison and William Waugh, administrators of the estate of John Waugh, deceased, be, and they are hereby, authorized to sell the certificate of the northeast and northwest quarters of section thirty-one, township eighteen, and range ten, being the real estate of said deceased, on such terms as they may think most advantageous, taking bond with sufficient security for the true and faithful payment of the consideration.

— of John
Waugh
authorized
to sell land

Sec. 3. *And be it further enacted,* That the said administrators be, and they are hereby, authorized on the sale of such certificates, to make or cause to be made to the purchaser or purchasers, a legal transfer of the same.

May make
transfer.

Sec. 4. *And be it further enacted,* That the said administrators shall, before the sale of said lands, enter into bond with sufficient security, payable to the judge of the county courts of their respective counties, for the disposition of the money arising from the sale of said certificates, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

To enter
into bond.

Sec. 5. *And be it further enacted,* That the said administrators shall not sell said lands otherwise than at public sale after giving at least thirty days previous notice of such sale in some public newspaper in this state, and by advertisement stuck up at the court houses of their respective counties, for the like time of thirty days.

Lands how
sold.

[Approved, Dec. 31, 1822.]

AN ACT

Authorizing the legal Representatives of Robert H. Draughon, deceased, to dispose of certain real Estate therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the legal representatives of Robert H. Draughon, deceased, be, and he is hereby, authorized to sell and dispose of all or any part of the real estate of the said Robert H. Draughon, within this state, upon such terms as he may deem most advantageous.

May sell
land.

May make
title.

Sec. 2. *And be it further enacted,* That the said legal representative, upon the sale of all or any part of the real estate, shall have power to make as complete titles in law, as the deceased could have made during his lifetime: *Provided,* the said legal representative, before the sale of all or any part of the real estate aforesaid, shall enter into bond with sufficient security, payable to the chief justice of the county court of Monroe county, and his successors in office, for the faithful distribution of the money arising from the sale thereof, according to the laws relating to, and regulating the estates of deceased persons.

[Approved, Jan. 1, 1823.]

AN ACT

Authorizing John R. B. Eldridge to sell certain slaves therein designated.

May sell
slave.

Sec. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John R. B. Eldridge, guardian for the orphan infants of Robert Commons, deceased, late of Madison county, be, and he is hereby authorized and empowered to sell a certain Mulatto slave named Ned, belonging to the infants of the aforesaid deceased, under such restrictions as are herein after prescribed.

To enter
into bond.

Sec. 2. *And be it further enacted,* That before the said guardian proceeds to sell the said slave Ned, he shall enter into a bond to the Judge of the county court of Madison, in the penal sum of one thousand dollars with one or more approved securities, conditioned faithfully to comply with the requisitions of this act; and it shall be the duty of the said guardian, to advertise at some public place, giving at least thirty days notice of the time and terms on which said slave shall be sold: and it shall further be his duty to vest the proceeds thereof in a slave or slaves of equal value for the benefit of said orphans.

To adver-
tise sale.

May sell
slave.

Sec. 3. *And be it further enacted,* That John R. B. Eldridge, administrator of Peyton Cox, deceased, late of Franklin county, be, and he is hereby, authorized to sell a negro man slave named Sam, the property of the estate of the afore named Peyton Cox, deceased, under such regulations and restrictions as are hereinafter prescribed.

To enter
into bond.

Sec. 4. *And be it further enacted,* That before the said administrator proceeds to sell the said slave Sam, he shall enter into a bond to the Judge of the county court of Franklin, in the penal sum of one thousand dollars with one or more approved securities, conditioned faithfully to comply with the requisitions of this act; and it shall be the duty of said administrator to advertise at some public place, giving at least thirty days notice of the time and terms in which said slave shall be sold: and it shall further be his

duty to vest the proceeds thereof in a slave or slaves of equal value for the benefit of the estate of said deceased,

Sec. 5. *And be it further enacted*, That this act shall be so construed as to leave it optionary with the aforesaid John R. B. Eldridge, to sell the slaves aforesaid, on a credit not exceeding twelve months or less; and also to vest the proceeds thereof in twelve months, or less, after it is received: and the said John R. B. Eldridge is hereby empowered and authorized, to convey to the purchasers of said slaves, all and such title the decedents had, which shall be valid and binding in law, as if made by the decedents in their life time.

May be
sold on
credit.

[Approved, Dec. 30, 1822.]

AN ACT

Authorizing the administrators of the estate of William Nelson, deceased, to sell certain lands therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Jane Nelson, administratrix, and Ralph Nelson, administrator, of William Nelson, deceased, of Limestone county, be, and they are hereby, authorized to sell the southeast quarter of section number thirty-three, in township four, and range five, west of the basis meridian of Huntsville, of which the said William died, seized and possessed, on such terms as they may think most advantageous, taking bond with good and sufficient security for the true and faithful payment of the purchase money.

Adm'rs
may sell
land.

To take
bond.

Sec. 2. *And be it further enacted*, That the said administrators be, and they are hereby authorized, on the sale of said land, to make to the purchaser or purchasers a legal transfer or deed to the same, which transfer or deed shall be equally as binding as if the same had been made by the deceased in his lifetime.

May convey
land to purchaser.

Sec. 3. *And be it further enacted*, That the said administrators, shall, before the sale of the land herein before authorized to be sold, enter into bond with good and sufficient security, payable to the Judge of the County Court of Limestone, and his successors in office, in double the amount for which it is supposed the land will sell for, conditioned for the faithfully administering the proceeds of the said sale, agreeably to the laws which now govern the distribution of the personal estate of a deceased person: *Provided*, that the said administrators shall give thirty days notice in two or more public places, of the time of sale.

To enter
into bond.

Proviso.

[Approved, Dec. 12th, 1822.]

AN ACT Changing the name of Big-Spring in Franklin County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the name of the town of Big-Spring in Franklin county, be changed to that of Tuscumbia.

[Approved, Dec. 31, 1822.]

AN ACT

To provide for the payment of the compensation allowed by law to the Commissioners appointed to lease the lands belonging to the University of Alabama.

\$800 appropriated out of University funds.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of eight hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the monies in the Treasury arising from the lease of the lands of the University of Alabama, to be paid to the several Commissioners appointed to lease the said lands, according to the provision heretofore made by law for their compensation, and to be drawn by a warrant from the Comptroller on the Treasury of the State, in favour of the said Commissioners: and should the said monies be paid over to the Trustees of the University, or to their Treasurer, then and in that case, the Comptroller is hereby authorized and required, to issue his warrant for the amount of said compensation, directed to the said Trustees or to their Treasurer, in favour of the said Commissioners, respectively, which shall be paid out of the funds arising from the lease as aforesaid, of the said University lands.

[Approved, Dec. 31, 1822.]

AN ACT

Granting to John Fowler the right of running a Steam Ferryboat, and a Row-boat or Sail-boat, between the City of Mobile and the Town of Blakeley.

May run boat, for five years.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That it shall be lawful for John Fowler, of the town of Blakeley, and his assigns respectively, to set up, keep, maintain, and run a Steam Ferryboat, between the city of Mobile and the town of Blakeley, in this state, for and during the term of five years, to be completed from the first day of January next; and the said Steam Ferryboat shall be capable of carrying six horses, and shall be ready at all times, excepting the month of July, August and September, in each and every year, to transport and ferry from one to the other of the aforesaid places, persons, carriages, horses, and goods and chattels.

Sec. 2. *And be it further enacted,* That during the months of July, August and September, in each and every year, during the term of five years, it shall be lawful for the said John Fowler, and his assigns, respectively, to run either a Steamboat, Row-boat, or Sail-boat; which shall be ready at all times during the said months of July, August and September; and said boats shall be suitable for the conveyance of persons, carriages, horses, and goods and chattels.

Sec. 3. *And be it further enacted*, That the Judge of the County Court and Commissioners of Revenue and Roads, of Mobile County, may and shall require of the said John Fowler, a bond, with a suitable penalty, and two good and sufficient securities for the faithful performance of the requisitions of this act; and the said County Court and Commissioners of Revenue and Roads shall annually order, direct and determine, the several rates of ferriages, and the several hours in each day, that the said Steam Ferryboat, and the said Row-boat or Sail-boat, shall be in readiness for the purposes aforesaid.

C'ty court
to take
bond.

To estab-
lish rate of
ferriages.

Sec. 4. *And be it further enacted*, That if the said Fowler, or his assigns. or any person or ferryman employed by him, shall exact, take or receive any greater or higher rates for transporting any person or persons, horses or carriages, goods or things whatsoever, than shall be, by the Judge of the County Court and Commissioners of Revenue and Roads aforesaid, limited and established, he or they so offending, shall forfeit and pay for every such offence, the sum of one hundred dollars, with costs of suit, to be recovered before any Court having jurisdiction aforesaid, by any person who shall sue for the same; which forfeiture when collected shall be paid into the County Treasury.

Penalty for
taking ex-
tra ferr'ge

Sec. 5. *And be it further enacted*, That if any person or persons, shall, after the first day of January next, transport, or carry over for pay or hire, from the city of Mobile or the town of Blakeley, to either of those places as aforesaid, any person or persons, horses or carriages, other than the said John Fowler, or his assigns, such person or persons, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, and applied as aforesaid: *Provided always*, that nothing in this act shall be so construed as to exclude any person or persons, from the right of carrying any person or persons, goods or chattels, free of ferriage, no charge in such case being made either directly or indirectly, by the party so transporting any person or persons, goods or chattels, themselves, their goods or chattels, in their own boats free of ferriage.

Other per-
sons taking
over hors-
es, &c lia-
ble to a for-
feiture.

Proviso.

Sec. 6. *And be it further enacted*, That if any person or persons, shall suffer any loss or damage in their property or persons, by reason of the neglect or wilful misconduct of the said John Fowler, or his assigns, or ferryman or person employed by him, the said John Fowler, or his assigns, shall be liable to an action by the party aggrieved.

Persons
suffering
damage, by
neglect,
may bring
an action.

Sec. 7. *And be it further enacted*, That if it shall be made to appear to the County Court of Mobile County, that the

In certain event, c'ty court may declare rights &c. forfeited.

said John Fowler, or his assigns, shall neglect or refuse to comply with the requisitions of this act, it shall and may be lawful for the County Court aforesaid, to declare all the rights and privileges herein granted to be forfeited.

[Approved, Dec. 26, 1822.]

AN ACT

Concerning the Huntsville Masonic Lottery.

Preamble.

Whereas agreeably to the provisions of an act passed at the last session of the General Assembly, authorizing the Master and officers of each lodge of Ancient Free Masons in this state to raise by lottery the sum of three thousand dollars for the erection of a hall for the same, the Masters and certain officers of Madison Lodge, number one, and Alabama Lodge, number two, have formed a scheme for the erection of a hall in Huntsville for the joint use of said two lodges—but by the said act cannot raise a sum sufficient to complete such a hall as is desired:

Additional classes may be drawn.

Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Masters and officers, or any two of the officers of each of said lodges united, or the present managers of said lottery and their successors to be appointed by said two lodges, shall have power to extend the said scheme, by way of additional classes or otherwise, so as to raise by lottery in the whole, a sum not exceeding eight thousand dollars, in the manner prescribed by the aforesaid act, to be applied to the erection of such hall; and that the same may be done at any time within four years from the passage of this act.

[Approved. Dec. 31, 1822.]

AN ACT

To amend an Act to authorize the Catholic Congregation of Christians in the City of Mobile, to sell certain real Estate therein named, and for other purposes.

P. M'Loskey, appointed com'r.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Philip M'Loskey of the city of Mobile, be, and he is hereby, appointed a commissioner in the place of Terry M'Cusker, deceased; and that so much of the act to which this is an amendment, as requires a bond to be given to Vincent Gener, the priest of said congregation, and also so much of the said act as requires the surplus money in the hands of the said commissioners to be paid to the aforesaid Vincent Gener, be, and the same is hereby, repealed.

Repeal.

Bond given to judge c'ty court.

Sec. 2. And be it further enacted, That the bond, as provided for in the original act to which this is an amendment, shall hereafter be given to the judge of the county court for the entire benefit of the said congregation; and that any surplus money in the hands of the commissioners, shall be paid over to such person or persons as may be appointed by the aforesaid congregation to receive the same.

[Approved, December 31, 1822.]

AN ACT

To authorize Gilbert D. Taylor to emancipate certain slaves therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Gilbert D. Taylor of the county of Limestone, be, and he is hereby authorized to emancipate the following named slaves to wit: John Rawlins, Jack Lewis, John Fellows, Thener a woman, all over the age of twenty-one, on the first day of January next; and Fanny, Susan, Nancy, Tom and George under that age, so soon as the said Gilbert D. Taylor, shall have executed to the Judge of the county court of Limestone county and his successors in office, a bond with sufficient security that said John Rawlins, Jack Lewis, John Fellows, Thener, Fanny, Susan, Nancy, Tom and George, shall never become chargeable to the State of Alabama, or any county or town within the same: *Provided,* that nothing in this act contained shall be so construed, as to affect the right of the creditors of said Taylor, but that said negroes hereby authorized to be emancipated shall be at all times during their continuance in this state, liable to be taken in execution, and in default of other sufficient property be sold to satisfy any judgment or decree founded on any contract or claim either in law or equity, now existing against said Taylor: *Provided also,* that the said negroes hereby authorized to be emancipated, shall remove out of this state within ten months, and shall not return to reside within the same at any time thereafter:— *Provided also,* that the wife of said Taylor shall upon examination by the Judge of the county court apart from her husband, give her free and voluntary consent to the emancipation of said negroes, which consent shall be entered of record in said court. [Approved, Dec. 9, 1822.]

AN ACT

To manumit certain slaves therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Henry Taylor, of Wilcox county, be, and he is hereby, authorized and empowered, to manumit and set free from slavery, the following persons of colour, to wit: James, Elsey and Louisa; and the said James, Elsey and Louisa are hereby declared to be freed and liberated from slavery, so soon as the said Henry Taylor shall give to the Judge of the county court of Wilcox, bond and good security in the sum of one thousand dollars, conditioned that none of the above persons set free and liberated, shall become a charge to the public: *Provided,* that nothing contained in this act shall be construed, as to interfere with the

H. Taylor
authorized
to emanci-
pate cer-
tain slaves.

Proviso.

rights of creditors: *Provided also*, that said negroes, shall remove out of this state within twelve months after they are manumitted, and shall not again return to reside in the same: *Provided*, that said slaves shall be subject to the same laws, rules and regulations to which all other slaves are subject, during their continuance in this state.

[Approved, Dec. 12. 1822.]

AN ACT

To authorize Nicholas Pope to emancipate a certain slave therein named.

To execute bond
to judge of
C'ty court

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Nicholas Pope of the city of Mobile, be, and he is hereby, authorized to emancipate a certain boy slave, named Willis, so soon as the said Nicholas Pope shall have executed to the Judge of the county court of Mobile and his successors in office, a bond with sufficient security to be approved by the said Judge; conditioned that the said Willis shall never become a charge to the state of Alabama or any county or town therein: *Provided*, that said slave shall remove out of this state after he arrives at the age of twenty one years, and shall not return to reside therein.

[Approved, Dec. 28, 1822.]

AN ACT

To manumit a negro woman slave Margaret and her children.

Slaves
freed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That a negro woman slave named Margaret, the property of the estate of Thomas Ragland, deceased, and her children Tom and Delia, be, and they are hereby declared to be freed and liberated from slavery, so soon as the legal representative or representatives of the said Thomas Ragland shall give bond and sufficient security in the sum of one thousand dollars, to the Judge of the county court of Monroe county, conditioned that neither of the aforesaid persons so freed and liberated, shall become a charge to the public: *Provided, however*, that the said negroes shall be subject to the payment of any debts which may now be due from the estate of said Ragland, in the event of his other property being insufficient to satisfy the same.

To leave
the state
within 12
months.

Proviso.

Sec. 2. *And be it further enacted*, That the said negro slaves shall be required to remove beyond the limits of this state within twelve months after they become liberated and set free according to the intent and provisions of this act, and shall not return to reside within the same: *Provided, nevertheless*, that the several negro slaves by this act authorized to be liberated and set free shall not be required to remove as aforesaid, beyond the limits of this state, un-

til they respectively have attained to the age of twenty one years: *Provided, also;* that the aforesaid mother of the said children shall not be obliged to leave this state until the youngest of the said children shall have attained the age of five years. *[Approved, Dec. 20, 1822.]*

To remove beyond the state limits within 12 months

AN ACT

Authorizing Augustus Baudry to emancipate a certain slave therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Augustus Baudry of the county of Tuscaloosa be authorized and empowered to emancipate a certain male slave named Gadstith, about thirty years of age.

Sec. 2. *And be it further enacted,* That the foregoing authority is granted, on the condition, only, that the aforesaid Augustus Baudry shall be required to execute his bond with good and sufficient security, made payable to the Judge of the said county of Tuscaloosa and his successors in office, in such sum as the said Judge shall require; conditioned, that the aforesaid slave Gadstith shall never become chargeable to the state of Alabama, or any county or town thereof, and that the rights and remedies of any creditor or creditors shall in nowise be affected thereby: *Provided however,* that the said slave Gadstith shall remove beyond the limits of this state, within twelve months after his emancipation, and shall not return to reside therein.

Condition of emancipation.

Proviso

[Approved, Dec. 5, 1822.]

AN ACT

For the relief of Robert Coyle.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller is hereby authorized and directed to issue his warrant on the Treasurer of this State, in favor of Robert Coyle, for the sum of one hundred and seventy-nine dollars, it being allowed said said Coyle for apprehending and lodging in Franklin Jail, John Lovin, (alias Lovell) who had escaped from said Jail, where he had been confined and charged with murdering two women in the year eighteen hundred and eighteen.

[Approved, Dec. 24, 1822.]

AN ACT for the relief of David White.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That David White be, and he is hereby, authorized to surrender, lot number one hundred and thirty-four, and he be, and is hereby, authorized to have credit on lot number one, for two hundred and fifty dollars, both of which lots are lying and being in the town of Cahawba; and that the Secretary of State, be authorized to admit a credit on the lot number one, for that amount; *Provided,* that the said David White shall not remove any of the improvements on said lot, number one hundred and thirty-four.

AN ACT

For the relief of Henry Stokes and others.

City court
order
payment.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of the Revenue for Madison County, be, and they are hereby authorized to order payment out of the County Treasury, to Henry Stokes, William Brandon, Samuel Smith and Charles A. Stokes, such sums as were allowed them at the October term of said Court in eighteen hundred and twenty one, for work done on the Meridian road north of Huntsville.

may set-
tle other
claims.

Sec. 2. *And be it further enacted,* That the Judge of the County Court and Commissioners aforesaid, be, and they are hereby, authorized and empowered to adjust, and settle all other claims which to them may appear just and reasonable, for work done on other roads in the County of Madison; and to order payment for the same out of the County Treasury.

[Approved, Dec, 12, 1822.]

AN ACT

To repeal in part an Act passed 15th of December, 1821, concerning Colonel Samuel Dale.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the act passed at the last session of the General Assembly as entitled Colonel Samuel Dale to rank as Brigadier General, when in service, be, and the same is hereby, repealed.

Sec. 2. *And be it further enacted,* That nothing in the aforesaid act shall be so construed as to entitle Colonel Samuel Dale to receive any allowance for forage or rations.

Sec. 3. *And be it further enacted,* That the amount already received by him for rations and forage, shall be applied to his next annual pension.

[Approved, Jan. 1, 1823.]

AN ACT

To change the name of, and legitimate a certain person therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the name of Thomas Paine Dameron be changed from that of Thomas Paine Dameron, to that of Thomas Paine Rountree.

Sec. 2. *And be it further enacted, by the authority aforesaid,* That Thomas Paine Rountree, the natural child of Chesney B. Rountree, be, and he is hereby, legitimated.

[Approved, Dec. 5, 1822.]

AN ACT

Respecting the Navigation of Limestone River, in Limestone County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county court of Limestone county shall not have power to compel hands to work in opening or improving the navigation of Limestone river, in Limestone county; any law, usage, or custom to the contrary notwithstanding.

[Approved, Jan. 1, 1823.]

AN ACT

Divorcing certain persons therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Perry county, exercising chancery jurisdiction, pronounced and entered at April term, eighteen hundred and twenty-two, the bonds of matrimony heretofore solemnized and subsisting between Polly Ryan and her husband, James Ryan, be, and the same are hereby, annulled and made void; and that the said Polly Ryan be henceforth divorced from the said James Ryan.

Polly Ryan
divorced.

Sec. 2. *And be it further enacted,* That in conformity with the decision and decree of the circuit court of Greene county, exercising chancery jurisdiction, pronounced and entered at March term, eighteen hundred and twenty two, the bonds of matrimony heretofore solemnized and subsisting between Isaac Edwards and his wife Rachel Edwards, be, and the same are hereby, annulled and made void; and that the said Isaac Edwards, be henceforth divorced from the said Rachel Edwards. [Approved, Jan. 1, 1823.]

Isaac Edwards
divorced.

AN ACT

Divorcing Robert Bransford from his wife, Jane Bransford.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Lawrence county, exercising chancery jurisdiction, pronounced and entered at September term, eighteen hundred and twenty-two, the bonds of matrimony heretofore solemnized and subsisting between Robert Bransford, and his wife Jane Bransford, be, and the same are hereby, annulled and made void; and that the said Robert Bransford, be henceforward divorced from the said Jane Bransford. [Approved, Dec. 10, 1822.]

AN ACT

Divorcing Nathan Briley from his wife, Elizabeth Briley.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decision and decree of the circuit court of Morgan county, exercising jurisdiction, pronounced and entered at April term, eighteen hundred and twenty-two, the bonds of matrimony heretofore solemnized and subsisting between Nathan Briley, and his wife Elizabeth Briley, be, and the same are hereby annulled and made void; and that the said Nathan Briley, be henceforward divorced from the said Elizabeth Briley.

[Approved, Dec. 12, 1822.]

RESOLUTIONS extending time to John Byler and his associates, to open and finish a road to be named.

Resolved by the Senate and House of Representatives of the State of Alabama, General Assembly convened at Tallahassee, Florida, on the 1st day of November next, to open and finish the road known as Byler's Turnpike road, agreeably to an act passed at Cahawba the sixteenth day of June, eighteen hundred and twenty one, entitled an act to amend an act passed at Huntsville, December the sixteenth, eighteen hundred and nineteen, entitled an act to establish a public road, &c. &c. &c. named: Provided, that the said John Byler and his associates shall receive no toll from any person who may travel on said road, until three commissioners, to be appointed by the county court of Lawrence county on the application of said Byler and his associates, shall view said road and report to said court, that the same is completed agreeably to the requisitions of the act authorizing its establishment; and provided further, that the commissioners appointed as aforesaid shall, each, on the performance of the service hereby required of them, be entitled to receive the sum of three dollars per day, for every day they were employed in it, to be paid by the said Byler and his associates; And provided also, that if the said commissioners appointed as aforesaid shall fail, for the space of three months after they have received from said Byler and his associates notice of their appointment, to perform the service aforesaid, the said Byler and his associates may thereafter receive the same toll, to which they would be entitled on the report of the said commissioners that said road was completed:— Provided, the said Byler and his associates, shall have made good and sufficient causeways on all the soft ground, and shall have made the said road at least twelve feet wide, clear of stumps and roots.

Allowed
on Nov. 1,
to com-
plete road.

Proviso.

May re-
ceive half
toll allow-
ed.

And be it further resolved, by the authority aforesaid, That the said John Byler, and his associates be, and they are hereby authorized to demand and receive half the rates of toll allowed by the act to which this resolution is intended to amend, until the first day of November next, any thing in this resolution to the contrary notwithstanding: and provided further, that it shall not be lawful for said Byler and his associates, to erect a toll gate on any part of said road, which may run with a road which may be granted by the present legislature, to Joseph Barber of Marion county. [Approved, Dec. 28, 1822.]

RESOLUTIONS authorizing commissioners to establish a road, leading from the city of Mobile to the line of the state of Mississippi, and for other purposes.

Preamble. Whereas, it is represented that the establishment of a public road, leading from the city of Mobile to the line of the state of Mississippi, and from thence to Ford's on Pearl river in the state of Mississippi, would be of great importance and public utility, thereby lessening the distance about one hundred miles from the present route, which the mail and travellers to and from the city of New Orleans, are now compelled to pass, by

the way of the city of Mobile and the town of Blakeley, to and from the northern and eastern cities in the United States.

Sec. 1. *Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in general assembly convened,* That Nicholas Pope, Christopher Heartt, Henry Gunnison, George Holt, Thomas G. Newbold, be, and they are hereby, appointed commissioners, or a majority of them, to view, mark out and establish a road, leading from the city of Mobile in the county of Mobile to the line of the state of Mississippi, in the most direct and practicable route, to intersect a road leading from thence to New Orleans; and the commissioners aforesaid, are authorized to open said road by voluntary subscriptions.

Com's appointed to view and mark out.

Sec. 2. *And be it further resolved,* That when the road shall be opened, it shall be the duty of the above commissioners or a majority of them, to report their proceedings to the county court of Mobile county; and that the road as aforesaid shall afterwards be considered a public highway, and that any person who shall fence up, fell trees, or otherwise obstruct the same, shall be subject to all fines, forfeitures and penalties as are made and provided for by the laws of this state: *Provided,* that the said Commissioners shall receive no pay from the state treasury.

Com's to report to city court.

Provided.

Sec. 3. *And be it further resolved,* That his Excellency the Governor, be requested to forward a copy of the foregoing resolutions to his Excellency the Governor of the state of Mississippi, inviting the co-operation of that state, to extend the road as aforesaid, to Ford's, on Pearl river.

To be transmitt'd to Gov. of Mississippi.

Sec. 4. *And be it further resolved,* That Thomas Williams and William Calvert, of Tuscaloosa county; Isaac Johnson and James Dunlap, of Shelby county, be, and are hereby appointed Commissioners, in lieu of the Commissioners appointed by an act passed at the last session of the Legislature, to lay out and mark a road therein designated.

Com's to lay out a road therein specified.

Sec. 5. *And be it further resolved,* That the Commissioners hereby appointed, shall each receive as compensation for their services, respectively, one dollar per day, to be paid out of the county treasuries thereof, so soon as they may make a satisfactory report to the County Courts of their respective counties, that they have performed the duties assigned them; and on the report as aforesaid, the County Courts aforesaid shall apportion a sufficiency of hands to cut out the same, taking those most convenient to the different sections of the said road: *Provided,* that the hands shall not be required to work beyond the limits of their respective counties.

Compensation.

[Approved, Dec. 31, 1822.]

RESOLUTION for the relief of John A. Elmore.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That John A. Elmore be allowed to keep up gates on each side of the Coosa river, across the public road leading from Line creek to Pine flat and Bibb county: *Provided,* That said gates be not locked or so fastened as to prevent passengers from going through said gates at any time.

[Approved, Dec. 31, 1822.]

RESOLUTIONS relative to the dividing line between this State, and the state of Georgia.

Preamble.

Whereas the dividing line between this state and the state of Georgia, never having been run in conformity to the articles of agreement and cession entered into on the twenty fourth day of April, eighteen hundred and two, between the commissioners of the state of Georgia on the one part, and the commissioners of the United States on the other part, from the mouth of Uchee creek on the Chattahoochee river, thence in a direct line to Nickajack on the Tennessee river; and as it is now in contemplation to hold a treaty for the acquisition of lands from the Indians, which must bound upon said line, and it is highly important to the two states, for various considerations, that the said line should no longer remain undefined by the present marks; and this Legislature being of the opinion, that said articles of agreement and cession render it obligatory on the United States, to cause said line to be run as early as possible.

Gov. to
present
subject be-
fore Presi-
dent.

Sect. 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be requested to take as speedy measures as possible to present the subject to the President of the United States, and to bring the same before Congress if necessary, for the purpose of procuring said line to be run as early as possible.*

Commis-
sioners to
be appoin-
ted.

Sect. 2. *And be it further resolved, That there shall be appointed by joint vote of both houses of the General Assembly, two commissioners, one of whom shall be an artist to accompany such person or persons as may be appointed on the part of the United States to run said line.*

Sect. 3. *And be it further resolved, That the Governor of this state communicate the above resolutions to the Executive of the state of Georgia, and solicit the concurrence of that state to the same.* [Approved, Jan. 1, 1823.]

A RESOLUTION requiring the Tax Collector of Madison county to pay into the Planters' and Merchants' Bank of Huntsville, a certain sum, when directed by the Comptroller, to do so.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the tax collector of Madison county for the year eighteen hundred and twenty-two, be, and he is hereby authorized and required to pay into the Planters' and Merchants' Bank at Huntsville, such sum of money, as he may be directed by the Comptroller, for the purpose of completing the payment of the balance due from this state to said Bank. [Approved, Jan. 1, 1823.]

RESOLUTION requesting the Governor to procure a correct Map of this state.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be requested to procure for the use of the General Assembly of this state, of General Coffee, surveyor General of the United States, for the Alabama District, or from any other correct source in his power, a Map of this state, marking the County lines, principal Water courses, Roads, principal Towns, &c. [Approved, Dec. 31, 1822.]

RESOLUTION for the relief of Matthew D. Thomason.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Commissioners of the reserved lands adjoining the town of Cabawba, be, and they are hereby, authorized and required to settle with and pay to Matthew D. Thomason four hundred dollars, being the amount set apart and appropriated for the purpose of digging down the banks and making a landing opposite the ferry on the Alabama river, belonging to the state; and that the said Matthew D. Thomason be and he is hereby released from the operations of a bond given by him and William W. Gary in the penal sum of six hundred and thirty-eight dollars conditioned for the faithful performance of the above named work.

[Approved, Jan. 1, 1823.]

A RESOLUTION to provide for the safe-keeping of the State House and public furniture.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the state house and furniture of every description belonging to the same, be committed to the care of such person as may be appointed by the Secretary of State, who shall be required to execute his receipt to the Secretary of State, for all the property which may be committed to his care with a description of the situation and order of the same; and the said person is hereby required to surrender the same on the first day of the next session of the General Assembly, in the same order and condition in which he may have received them.

And be it further resolved, That the sum of ——— dollars be, and the same is hereby, allowed the said person for his services as aforesaid: *Provided,* it shall be the duty of the Door-keepers of the two houses to deposite the whole of the furniture in the Senate chamber and deliver the key to the Secretary of State.

[Approved, Jan. 1, 1823.]

RESOLUTION defining more particularly the boundary lines of certain Counties therein mentioned, and for other purposes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That all that tract of country lying west of the county of Blount, south of the southern boundary line of township eight, and north of the southern boundary line of township twelve, west of the meridian line from Huntsville, shall be added to, and form a part of the county of Marion.

Sec. 2. And be it further resolved, That all that tract of country lying south of the aforesaid southern boundary line of township twelve, not at this time included within the counties of Marion, Blount, Jefferson, and Pickens, lying north of Tuskaloosa county, shall be added to, and form a part of the county of Tuskaloosa.

Sec. 3. And be it further resolved, That for the convenience of the inhabitants residing within the last named tract of country, there shall be an additional election precinct established at the house of Peter Baker, on Lost Creek.

[Approved, Jan. 1, 1823.]

*** RESOLUTION, for the relief of Anderson Crenshaw.**

Whereas, Anderson Crenshaw hath failed to avail himself of the benefit of an act of the last session of the Legislature, passed for the relief of the first purchasers of lots in the town of Cahawba; Therefore, *Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Anderson Crenshaw be entitled to a discount of fifty per cent. on the balance due on a lot owned by him at the passage of the said act, and which was purchased at the first sale of lots in the town of Cahawba: *Provided*, he make full payment for the same, on or before the first day of January next; and that on making such payment, he be entitled to a patent for said lot.

[Approved, Dec. 23, 1822]

RESOLUTIONS, concerning purchasers of lots in Cahawba.

Whereas sundry proprietors of lots, purchased at the first sale of lots in the town of Cahawba, who obtained an extension of credit thereon, according to the provisions of an act of the last session, for the relief of such persons, have failed to pay the first instalments thereon, by the first of December, eighteen hundred and twenty two; as required by said Act. Therefore: *Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all such purchasers or legal holders of lot certificates as above described, be permitted at any time, on or before the twentieth day of May, to pay the first instalments thereon, and receive the discount of twenty-five per cent, in the same manner as if said payments had been made on the said first day of December, eighteen hundred and twenty two.

[Approved, Dec. 31, 1822]

RESOLUTIONS instructing our Senators and requesting our Representative in Congress, to procure the passage of a law imposing a tonnage duty on all vessels coming into the Ports of Mobile and Blakeley.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representative requested, to use their best exertions to get a law passed laying a tonnage on all vessels coming into the ports of Mobile and Blakeley, for the benefit of sick and disabled seamen, and such as are now in force in the ports of Charleston and Savannah.

And be it further resolved, That His Excellency the Governor be requested, to forward a copy of the foregoing resolution, to each of our Senators and our Representative in Congress.

[Approved, Dec. 31, 1822]

RESOLUTION concerning the manuscript Digest of the Statutes of this State.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State be authorized and required, to receive and keep the manuscript copy of the statute laws of this state, digested and prepared by Harry Toulmin, Esq. until the same shall be demanded by the Governor of this state, or by some person duly authorized by him, to receive the same. [Approved, Jan. 1, 1823.]

RESOLUTIONS to repeal a Resolution allowing to the Comptroller two hundred and fifty dollars in addition to his present salary, passed at the last session of the General Assembly.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That the resolution entered into, and which was approved December the seven-teenth, eighteen hundred and twenty-one, allowing the Comptroller of public accounts the additional sum of two hundred and fifty dollars, be, and the same is hereby, repealed.

And be it further resolved, That the foregoing resolution shall not be so construed as to repeal the appropriation allowed for the year past, but to operate for the future.

[Approved, Dec. 31, 1822.]

RESOLUTIONS concerning the loan from the Tombeckbe Bank.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his Excellency the Governor be, and he is hereby, authorized to continue the loan already made from the Tombeckbe Bank, the ensuing year, to aid the credit of the Treasury notes, on the same terms and conditions as heretofore prescribed by law; and that the sum of one hundred and fifty dollars be appropriated to pay the interest accrued on said loan on the first day of January next.

And be it further Resolved, That when the said loan shall be effected, one half thereof shall be deposited in the State Treasury.

[Approved, Dec. 31, 1822.]

Secretary of State's Office, Cahawba, Feb. 1, 1823.

It is hereby certified, that the foregoing Acts and Resolutions are correct copies, collated with, and corrected by, the original rolls deposited in this Office.

JAMES J. PLEASANTS,
Secretary of State.

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